

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF THE 155th MEETING

MIDEWIN NATIONAL TALLGRASS PRAIRIE, WILMINGTON, IL

10 AUGUST, 2012

(Approved at the 156th meeting, November 9, 2012)

BOARD MEMBERS PRESENT: Chair Dan Gooch, Vice-chair Glen Kruse, Secretary John Clemetsen, Dr. Joyce Hofmann, Ms. Susanne Masi, Mr. John Rogner, Ms. Laurel Ross, Dr. Jeff Walk.

BOARD MEMBERS ABSENT: Dr. John Taft.

BOARD MEMBER VACANCIES: One.

OTHERS PRESENT: Mr. Scott Bergeson (Indiana State University), Mr. Randy Boisvert (Hanson Material Services), Dr. Tim Carter (Ball State University), Dr. Ed Heske and Dr. Joe Merritt (Illinois Natural History Survey), Ms. Cindy Skrukud and Ms. Tracy Yang (Illinois Chapter of the Sierra Club), and Ms. Anne Mankowski (Endangered Species Protection Board).

155-1 Call to Order Welcome and Introduction of Guests

Chair Gooch called the meeting to order at 10:03 AM, asked Board members to introduce themselves and noted that there was a quorum. He then asked audience members to introduce themselves.

155-2 Adoption of Agenda

Chair Gooch asked if there were any changes to the agenda. None were noted and Ms. Ross **moved** to adopt the agenda, Dr. Hofmann seconded the motion, and it was **approved** unanimously.

155-3 Approval of Minutes of the 154th (05/11/12) Meeting

Chair Gooch asked if there were any corrections to the minutes of the 154th meeting. None were noted, Ms. Masi **moved** to approve the minutes, Dr. Walk seconded the motion and it was **approved** unanimously.

155-4 Approval of Minutes of the Special Meeting (05/16/12) for the 2014 Illinois List Review: recommendation for changes to the list of Illinois endangered and threatened birds

Chair Gooch asked if there were any corrections to the minutes of the May 16, 2012 special meeting. Ms. Mankowski noted a typographic error that she would correct. Dr. Walk **moved** to approve the minutes with the typographic correction, Ms. Ross seconded the motion and it was **approved** unanimously.

155-5 ESPB Staff Report

Ms. Mankowski, Director of the Illinois Endangered Species Protection Board, gave her report (Attachment A).

155-6 IDNR Staff Report

Mr. Rogner, Assistant Director of the Illinois Department of Natural Resources, gave a report. He reviewed several staff changes – the Department lost about 80 people to retirements in May and the Department was given authorization to fill about 60 vacancies that were created by those retirements or were already existing. He noted that within the Division of Natural Heritage, Ed Anderson, Marty

Kemper, and Ben Dolbear retired and while there were no plans to fill any of those positions, there was good news in that authorization was given to move ahead with filling the IDNR Endangered Species Program Manager position, which has been vacant for a number of years. He reviewed that the IDNR had completed the Peregrine Falcon post-listing management and monitoring plan. Ms. Mankowski noted that Mr. Rogner had not been present at the May 16, 2012 special meeting where the bird list was reviewed and indicated that the completion of the plan was noted then and plan elements relevant to the listing status review for the species were reviewed during that meeting.

155-7 INPC Staff Report

Mr. Rogner, Assistant Director of the Illinois Department of Natural Resources, gave a report (Attachment B).

155-8 ESPB Budget

Ms. Mankowski reviewed with the Board the FY2014 ESPB budget request that she had prepared and indicated she would forward the request to IDNR Director Miller.

155-9 Board Appointments

Ms. Mankowski reported that there were no updates regarding Board recommended member reappointments for Chair Gooch, Vice-chair Kruse, Dr. Hofmann, Ms. Masi, or Dr. Taft, or appointment of Dr. Brooks Burr.

155-10 Semi-Annual Review and Decision Whether to Keep Closed Minutes from Previous Closed Meetings and Clarification Regarding the Requirements for Destruction of Audio Recordings

Chair Gooch reviewed that The Open Meetings Act requires the Board to semi-annually review and approve keeping closed the minutes from previous closed-sessions. The Board is required to make a determination that (1) the need for confidentiality still exists as to all or part of those minutes, or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

Ms. Mankowski reviewed a list of closed sessions and noted that all closed sessions have been held to review personnel matters. The discussion of personnel matters is allowed under closed session and minutes from that closed session are allowed to remain closed because the need for confidentiality still exists.

Ms. Ross **moved** to keep closed minutes from previous closed meetings, Secretary Clemetsen seconded the motion, and it was **approved** unanimously.

155-11 ESPB Publication – ESPB Biennial Report of Accomplishments, July 2010-June 2012

Ms. Mankowski presented to the Board the subject publication. Chair Gooch asked if there were any corrections. Dr. Hofmann noted double-entry of two Board member names on page 7. Ms. Mankowski indicated that she would remove the double-entries. Secretary Clemetsen **moved** to approve the report with that correction, Ms. Masi seconded the motion, and it was **approved** unanimously. Ms. Mankowski noted that the publication would be posted to the Board's website.

155-12 ESPB Publication – The Illinois Endangered Species Protection Act at 40: a Review of the Act's Provisions and the Illinois List of Endangered and Threatened Species

Ms. Mankowski explained to the Board that the publication would soon be posted to the Board's website.

155-13 Board Discussion about Office of Attorney General Request for Agenda Item Regarding Issues Related to IDNR Endangered and Threatened Species Consultation

Chair Gooch introduced the agenda item and Vice-chair Kruse indicated that he would recuse himself from the discussion because of his dual role as Board member and IDNR employee in order to avoid a potential conflict of interest.

Chair Gooch asked Ms. Mankowski to review the request that came to the Board. Ms. Mankowski explained that she received a letter from Mr. Thomas Davis, Environmental Bureau Chief of the Springfield Office of the Attorney General (OAG) and corresponded with him via email to confirm that the Board would address his request as an agenda item at the current meeting (Attachment C). Mr. Davis' letter identified several concerns related to IDNR procedures for performing endangered and threatened species consultation on activities related to proposed IDNR mining permits. Ms. Mankowski reviewed that the Board does not have a role in the IDNR's consultation process and typically when she receives inquiries about IDNR consultations, she refers them to the IDNR. The current request from Mr. Davis is a bit different in that he suggests that the Board has a responsibility to require to IDNR to follow certain procedures; she indicated that Chair Gooch would expand on that part of the request. Ms. Mankowski concluded by noting that Mr. Davis' letter makes reference to a phone conversation about the matters between he and Ms. Mankowski, but explained that she has never spoken with Mr. Davis, by phone or otherwise, about the matters.

Chair Gooch reviewed the part of Mr. Davis' letter stating that "The Illinois Endangered Species Protection Board has a duty to investigate the actual effects of this ongoing project and to require the Department to undergo consultation." and noted that based on his own review of the Illinois Endangered Species Protection Act, he did not agree that the Board has such a duty. Chair Gooch acknowledged that Mr. Davis is an attorney and that the OAG is the unit of state government where the Board would seek legal interpretation for clarification of its duties in a situation such as this, but noted that in this instance he was unclear how that would work with respect to a potential conflict of interest on the part of the OAG and asked Ms. Mankowski to explain. Ms. Mankowski reviewed her understanding that the OAG is where the Board would go to request a legal interpretation to clarify its duties and it would be up to the OAG to determine whether it had a conflict of interest in the matter or could respond to the Board's request by utilizing other staff. If the OAG determined there was a conflict of interest, they would have to refer the Board to alternate legal counsel.

Chair Gooch asked other Board members if they believe the Board has the duty asserted by Mr. Davis. Dr. Walk and Secretary Clemetsen stated that they felt it was beyond the Board's authority and responsibility. Chair Gooch reviewed the part of Mr. Davis' letter stating that "Under section 11(b) of the Illinois Endangered Species Protection Act, the Board would be authorized to seek a writ of mandamus to compel the Department to comply with these laws." and noted that while that is correct, any citizen or entity, including the OAG, has the same authority. He added that he did not believe it was appropriate for the Board to enter into an adversarial posture with the Department unless it is warranted and in relation to a process the Board is required to undertake. He acknowledged that there may be some part of the issues identified by Mr. Davis that have merit for further investigation, but he did not believe it is the Board's responsibility to investigate them.

Chair Gooch suggested that the Board consider three courses: 1) take on the responsibility of investigating the matters and moving forward with appropriate actions that may include those identified by Mr. Davis; 2) formally request a legal opinion of its duties from the OAG; or, 3) reply to Mr. Davis that the Board does not believe it has the duty asserted by Mr. Davis and then see if and how Mr. Davis replies and decide on next steps at that time.

Ms. Ross stated that she supported the third option and Secretary Clemetsen agreed. Chair Gooch asked for a motion.

Ms. Ross and Dr. Walk suggested that the Board should provide narrow response iterating two main points; that the Board does not believe it has the responsibility to seek a writ of mandamus against the Department and that the Board does not have the capacity to investigate the matters. Ms. Mankowski suggested adding that the Board will continue its duty of advising the Department on matters related to endangered and threatened species conservation, including adherence to regulations. Dr. Walk **moved** to approve a response to Mr. Davis that spoke to those three items, Secretary Clemetsen seconded the motion, and it was **approved** unanimously. Chair Gooch directed Ms. Mankowski to draft and send the response to Mr. Davis.

155-14 Board Discussion about Whether the Board Should Maintain a “Watch List”

Chair Gooch introduced the agenda item by explaining that Board member Taft had requested the item and sent some information that Chair Gooch made available to other members. He reviewed that the Board has many times discussed maintaining a “watch list” for species that may be in danger of becoming threatened or endangered and for which we need more information in order to properly assess them. The Board had at times in the past maintained such a list, but it often was “misused” by others who would try to assert a legal or regulatory status to species on the “watch list” and implications became problematic for the Board and the Department, so the Board stopped maintaining it. Secretary Clemetsen explained that the Board has always thought it was a generally good idea and suggested that how the list was named might alleviate some of the “misuse” problems. Chair Gooch agreed and added that other big questions are who maintains the list, the Board or the Department, and how is it managed, how is information kept, and how is information used?

Ms. Mankowski agreed that it is a good idea, but noted that the Board and IDNR struggle to maintain good data on currently listed species and questioned if a new “watch list” might further dilute the attention to currently listed species. She added that database staff are perpetually backlogged with data entry and have indicated that they really do not have capacity to take on the responsibility associated with a new “watch list”.

The Board reviewed some aspects of how the Board had used a “watch list” in the past and discussed that the Illinois Wildlife Action Plan’s Species in Greatest Need of Conservation (SGNC) could be used as a “next tier” of animal species for the Board to be watching and the Board would not be responsible for maintaining it. It was noted that no data is actually maintained for the majority of those species. Dr. Walk offered that plants would not be captured in the SGNC and asked whether any interested persons or entity could maintain its own list of species of concern that the Board could reference. Ms. Masi responded the Chicago Botanic Garden’s Plants of Concern program does that for plants in northeastern Illinois. Ms. Mankowski explained that the Board’s use of technical expert consultants and making broadcast requests for information is how the Board typically taps into those types of resources.

There was discussion about the difference in a “status” qualification such as the NatureServe “S3” ranks and an “insufficient information” qualification. Chair Gooch reviewed that some states that maintain a “special concern” list do so because they do not have endangered and threatened species legislation. He indicated that it would be important to hear the Department’s view, but noting that Mr. Rogner had excused himself for a phone call for most of the discussion, he asked Ms. Mankowski to work with Mr. Rogner before the next meeting to review the topic. He then suggested the Board close the discussion for the current meeting and revisit it at the November meeting when Dr. Taft should be in attendance.

Prior to recessing for lunch, Chair Gooch noted that since some audience members might not be able to return for the afternoon portion of the meeting, he wanted to offer an opportunity for public comment before the lunch break, in addition to the public comment period scheduled for agenda item 155-17. He

asked if any audience members wanted to make a public comment.

Ms. Skrukrud, from the Illinois Chapter of the Sierra Club, asked to make a public comment. She stated the following:

“Tra (Tracy) and I came today because we wanted to hear your discussion of the letter you received from the Attorney General’s Office. Specifically because we’ve been following the issue of this proposed sand mine next to Starved Rock State Park and are very concerned about how that mine will impact resources in that area and certainly the public’s enjoyment of what is considered one of the premier natural areas in our state. So, I guess I was a little disappointed because I feel like you got kind of lost in the weeds of the letter when really I think what he was asking was is the consultation process, and maybe your answer to me is that is all in DNR’s house, but is the consultation process being implemented the way that it should, has it gotten, to quote him, “a little too casual”, we’re specifically concerned about whether Mines and Minerals is coordinating as it should with other departments in the DNR on critical issues like this.

I can’t speak to the Rice Lake issue that he brings up, but with the proposed mine next to Starved Rock State Park, I think there are potential impacts on the park, there’s the problem that the Office of Mines and Minerals is only considering the first phase of the proposed mining when ultimately we know that the mining company is proposing to mine an area that contains an Illinois Natural Area Inventory site. So, the language that talks about long term impacts and looking at cumulative impacts, those are important considerations that we think the DNR and potentially this Board need to be considering with respect to projects like this.”

Chair Gooch thanked Ms. Skrukrud for her comment and stated that as indicated by the Board’s action on the matter, the issue is possibly not closed in terms of the Board’s consideration.

Dr. Walk **moved** to recess for lunch and Vice-chair Kruse seconded the motion. The motion was **approved** unanimously.

The Board recessed for lunch from 11:40 AM – 1:00 PM.

Chair Gooch called the meeting to order again at 1:00 PM and asked Board members, staff, and audience members to introduce themselves.

155-15 2014 Illinois List Review: Recommendation for Changes to the List of Illinois Endangered and Threatened Mammals

Ms. Mankowski led the presentation of recommendations for changes to the list of Illinois endangered and threatened mammals. She began with an overview (see Attachment D) of the Illinois List 5-year review process and schedule including information about legal requirements, individual species’ status and distribution data and information that is being considered, and the process by which she and the Board were engaging advice of the ESPB technical expert consultants (ESPB TECs).

She reviewed the list of proposed listing status recommendations for mammals (see Attachment E) and engaged the ESPB TECs and Board members in reviewing the data and information compiled for species for which the TECs had submitted comments and evidence.

Dr. Carter suggested that a fair amount of occurrences appear to be missing from the database information presented in the species review for the **Eastern Wood Rat (*Neotoma floridana*)**. Ms. Mankowski agreed

and reminded the TECs and Board members that occurrence data from other studies/information should be verified and entered into the IDNR Natural Heritage (Biotics 4) Database for consideration by the Board. IDNR has been advised that it needs to get copies of its funded studies for the species to the Database. There was discussion that the status review triggers required certain population levels for at least four years after translocations ceased and it would still be a number of years before that timeframe eclipsed. There was also discussion that uncertainty remains about why the species became extirpated from some historic locations in the first place (disease, habitat destruction, genetics) and the current studies may or may not address that issue. Ms. Mankowski noted that the information received to date suggests the species' status should be reviewed again prior to the conclusion of the current List review and revision. If data are submitted to and confirmed by the Database and a proposal for status change recommendation is submitted to Board staff by IDNR during the timeframe of the current List review process, Board staff will make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List. If IDNR does not submit a proposal for status change during the required timeframe, Board staff will prepare another species review as time and resources allow.

Ms. Mankowski reviewed that occurrence data from IDNR-funded studies for the **Golden Mouse (*Orchrotomys nuttallii*)** also have not made it into the Database. There was discussion that the status review triggers for the species rely on core population numbers and those numbers have been demonstrated in the publications referenced in Ms. Mankowski's species review. Ms. Mankowski agreed and reminded the TECs and Board members that occurrence data from other studies/information should be verified and entered into the Database for consideration by the Board, even when the evaluation criteria utilize parameters not fully reflected in the occurrence data maintained by the Database, the Board still needs the Database to perform quality-control of the occurrence data before the Board considers the other parameters. IDNR has been advised that it needs to get copies of its funded studies for the species to the Database. It was noted that IDNR made comment that genetic questions needed to be answered for the species, but did not provide information about what those questions were and when and how they were going to be answered. After further discussion about the species and data management issues, Ms. Mankowski noted that the information received to date suggests the species' status should be reviewed again prior to the conclusion of the current List review and revision. If data are submitted to and confirmed by the Database and a proposal for status change recommendation is submitted by IDNR to Board staff during the timeframe of the current List review process, Board staff will make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List. If IDNR does not submit a proposal for status change during the required timeframe, Board staff will prepare another species review as time and resources allow.

Ms. Mankowski reviewed that occurrence data from IDNR-funded studies for the **Rice Rat (*Oryzomys palustris*)** also have not made it into the Database. Ms. Mankowski reviewed again that occurrence data from other studies/information should be verified and entered into the Database for consideration by the Board. IDNR has been advised that it needs to get copies of its funded studies for the species to the Database. Dr. Walk pointed-out that status review triggers approved by the Board for this species are somewhat arbitrary and recommended that the Board needs to be mindful of how triggers will be measured and demonstrated when they are approving them. Chair Gooch agreed and added that the Board might want to consider revisiting previously approved triggers to confirm those items for each. Ms. Mankowski noted that the information received to date suggests the species' status should be reviewed again prior to the conclusion of the current List review and revision. If data are submitted to and confirmed by the Database and a proposal for status change recommendation is submitted to Board staff by IDNR during the timeframe of the current List review process, Board staff will make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms

its preliminary approval for changes to the Illinois List. If IDNR does not submit a proposal for status change during the required timeframe, Board staff will prepare another species review as time and resources allow.

Ms. Mankowski summarized for the Board that she proposes no changes to currently listed species at this time, but that she would plan to revisit with the Board the reviews for the Wood Rat, Golden Mouse, and Rice Rat prior to the conclusion of the List review and revision. Chair Gooch asked Ms. Mankowski to provide the Board a review of outstanding List review items at each meeting. Chair Gooch suggested that the Board vote on Ms. Mankowski's recommendation relative to currently listed species before moving on to discussing possible additions to the List and asked for a motion. Secretary Clemetsen **moved** to make no status changes to currently listed species and Vice-chair Kruse seconded the motion. Dr. Hofmann asked that the Board consider making preliminary approval for changing the status of Golden Mouse based on the information available and in advance of it being confirmed by the Database. Chair Gooch responded that he was not comfortable doing so, suggested the Board should wait for the database confirmation before approving any change, and Dr. Hofmann agreed. There was no further discussion and the motion was **approved** unanimously.

Board member Ross excused herself from the meeting at 2:00 PM.

Ms. Mankowski reviewed her proposal for possibly listing as threatened as a species which exhibits restricted habitats or low populations in Illinois the **Eastern Small-footed Bat (*Myotis leibii*)**. She noted that only 2011 survey data was available for use in her review and she recommended that the Board secure an additional year or more of survey data to confirm the species is resident and persistent and reproducing before considering approval for listing. She explained that subsequent to her developing her proposal and prior to the meeting, Dr. Tim Carter had submitted to her survey data for 2012 that had just been collected. Dr. Carter reviewed his findings, noting evidence of reproduction, and answered questions from Board members and staff. Ms. Mankowski added that the species is under review by the USFWS for possible federal listing and the federal schedule plans for a determination by September 2013, so the Board's may have that to consider by the end of its List review and revision, as well. She then asked the Board if they wanted another year of survey data or if they felt the two years of data was sufficient for making a listing decision at this time. Chair Gooch recommended that Ms. Mankowski work to develop a contract for another year of survey work and to answer habitat questions and then asked if any Board member wanted to make a motion for listing at this time. Dr. Walk **moved** to add the **Eastern Small-footed Bat (*Myotis leibii*)** as threatened, Dr. Hofmann seconded the motion, and it was **approved** unanimously.

All Board preliminarily approved revisions to the Illinois list of endangered and threatened mammals during the meeting, included:

Board preliminarily approved revisions to the Illinois List - mammals

<u>Endangered to threatened:</u>	None
<u>Threatened to endangered:</u>	None
<u>Remove from endangered:</u>	None
<u>Remove from threatened:</u>	None
<u>Add as endangered:</u>	None

Add as threatened: Myotis leibii, Eastern Small-footed Bat

No listing status change recommended: (data do not warrant change)

Canis lupus	Gray/timber Wolf
Corynorhinus rafinesquii	Rafinesque's Big-eared Bat
Myotis austroriparius	Southeastern Myotis
Myotis grisescens	Gray Bat
Myotis sodalis	Indiana Bat
Neotoma floridana	Eastern Wood Rat
Orchotomys nuttallii	Golden Mouse
Oryzomys palustris	Rice Rat
Spermophilus franklinii	Franklin's Ground Squirrel

Chair Gooch thanked the ESPB TECs for mammals for their participation in the Board's List review process and noted that the discussion they had provided during the current meeting constituted valuable advice to the Board.

155-16 Next Meeting Information

The Board's next regularly scheduled meeting will be November 9, 2012 at 9:30 AM at Midewin National Tallgrass Prairie.

155-17 Public Comment Period (3 minutes per person)

There were no public comments at this time (one public comment was made prior to the lunch recess, see above at the end of Agenda Item 155-14).

155-18 Other Business (Board members complete travel forms and time reporting sheets)

Board members completed travel forms and time reporting sheets.

155-19 Adjournment

Dr. Walk **moved** to adjourn, Chair Gooch seconded the motion, and it was **approved** unanimously. The meeting was adjourned at 2:45 PM.

**Illinois Endangered Species Protection Board staff report
for the 155th Meeting, August 10, 2012**
Submitted by Anne Mankowski, Director

The Board currently only has one staff, its Director; all activities were conducted by the ESPB Director unless otherwise noted. Ms. Mankowski has not been able to complete all required work in the course of a 37.5-hour work week. Since the last staff report, Ms Mankowski has worked the following overtime hours toward ESPB and IDNR duties: May: claimed = 56.5, donated = 29.5; June: claimed = 101.75, donated = 0.0; July: claimed = 32.0, donated = 8.5.

1. ESPB resolution supporting DNR sustainability funding legislation including House Bill 4193

As per agenda item at the Board's May 16, 2012 special meeting, Ms. Mankowski finalized the subject resolution and forwarded copies to IDNR Assistant Director John Rogner, IDNR Chief of Staff Jay Curtis, IDNR Legislative Liaison Michael Ziri, the Speaker of the Illinois House of Representatives, the Minority Leader of the Illinois House of Representatives, the President of the Illinois Senate, the Minority Leader of the Illinois Senate, and the Governor of the State of Illinois.

2. Illinois List of Endangered and Threatened Species Review and Revision ending in 2014

The Board has begun work on the next five-review of the List; the process usually takes about two years. The Board is required by law to base its listing decisions on scientific evidence. Ms. Mankowski spent a great deal of time compiling species information, with some assistance from the IDNR Natural Heritage Database staff. She also communicated with the ESPB technical expert consultants for species status and distribution information/evidence and review of ESPB staff listing status recommendations in preparation for the Board's consideration.

3. Work on the ESPB 2012 Biennial Report and 40 Years of the Illinois Endangered Species Protection Act Publication

Ms. Mankowski completed the biennial report of accomplishments for the subject period and the report reviewing the history of the Illinois Endangered Species Protection Act and accomplishments and challenges relative to provisions and requirements of the Act to commemorate its 40th anniversary. The biennial report will be submitted to the Board for approval at the August, 2012 meeting and the final document will be posted to the Board's website. The ESPA at 40 document will be posted to the Board's website sometime soon.

4. Updated ESPB Policy and Operations Manual

Ms. Mankowski made updates pursuant to Board approved changes from February 2011-May 2012 meeting minutes to the ESPB Policy and Operations Manual to make it current as of June 2012 and provided a copy of the document to the Governor's Office of the Executive Inspector General as per directive administered by the IDNR Ethics Officer. Ms. Mankowski emailed Board members electronic copy of the same and will provide copies of updated elements to members at the August, 2012 meeting.

5. ESPB-lead project to contract surveys to update endangered and threatened animal occurrence records that are greater than 10 years old

Ms. Mankowski worked on USFWS State Wildlife Grant FFY2012 materials for the subject project. The project will probably not initiate survey work until the 2013 field season or later.

6. ESPB Website

Ms. Mankowski spent time working with IDNR web support staff on updates to the ESPB website. The ESPB website serves as the web portal for ESPB and IDNR administered endangered and threatened species program information.

7. ESPB Budget

Ms. Mankowski continues working with IDNR on multiple budget assignments related to the FY2013 budget. She prepared an ESPB FY2014 budget request to IDNR for the Board's consideration at the August, 2012 meeting.

8. ESPB Research/Strategic Projects Program

Ms. Mankowski continues administration of IDNR research projects.

9. Meetings, Presentations, and other Publications

Ms. Mankowski participates in IDNR ORC twice-monthly administrative meetings.

Ms. Mankowski participated in the 61st Natural Areas Evaluation Committee (NAEC) meeting held at IDNR headquarters July 17, 2012. The ESPB is a voting member of the NAEC. The meeting included approval of six new Category I (high-quality community) sites.

10. Coordination with IDNR and INPC:

Ms. Mankowski coordinated with the Endangered Species Program ORC, Division of Wildlife ORC, Impact Assessment Section OREP, Office of Land Management, Office of Law Enforcement, Office of Legal Counsel, Office of Strategic Services, Media Relations, and Illinois Nature Preserves Commission, on multiple matters, including:

- Updated the Board's policy and operations manual and provided copy to the IDNR Ethics Officer pursuant to directive from the Governor's Office of the Executive Inspector General.
- Attended IDNR mandatory FOIA training.
- Met with IDNR ORC Director, Jim Herkert, to review ESPB/IDNR coordination of endangered and threatened species work. Confirmed the nearly two-year standing process that any IDNR E&T Possession Permits involving animal translocations require a proposal pursuant to the ESPB E&T Animal Translocation Policy that is reviewed and approved by ESPB and IDNR prior to permit issuance by IDNR.
- Provided information requested by IDNR ORC relative to its strategic planning and budgeting for outcomes processes.
- Provided assistance to IDNR Fiscal and ORC in preparing documentation for responses to an audit of IDNR responsibilities under several mandates including the Illinois Endangered Species Protection Act.
- Provided to IDNR Fiscal several documents reviewing the history and scope of the ESPB's budget needs.
- Met with and provided assistance to IDNR Office of Legal Counsel in reviewing the Illinois Endangered Species Protection Act and the administrative rules that support it as they relate to various endangered and threatened species issues.
- Provided recommendations to IDNR regarding issues related to authorizations for incidental taking of endangered and threatened species and permits for possession of specimens or products of endangered or threatened species.
- In conjunction with Natural Heritage Biologist Terry Esker, continued project management of the Illinois Barn Owl (*Tyto alba*) recovery project. The recovery team met in July to review the contract scope of work and schedule with the researcher under IDNR contract to continue implementation of the project.
- Continued project management for the development of a Blanding's Turtle (*Emydoidea blandingii*) recovery plan.
- Provided review and comments to INPC staff Bob Edgin on an annual report for recovery activities for Royal Catchfly (*Silene regia*) in the Prairie Ridge Conservation Opportunity Area.
- Provided to IDNR ORC staff information about the endangered and threatened species translocation approval coordination process between IDNR and ESPB that is supposed to precede issuance of an IDNR Endangered and Threatened Species Possession Permit for projects involving translocation.
- Provided review, comments, and questions to IDNR on two draft incidental take authorizations: TR 603 over Brushy Creek, Williamson County, involving Indiana Crayfish (*Orconectes indianensis*); TR 97 over Haney Creek, Hardin County, involving Indiana Crayfish (*Orconectes indianensis*); and, High-Speed Rail Demonstration Project from Dwight to Pontiac, Livingston County, involving Eryngium Stem Borer (*Papaipema eryngii*).
- Handled over 100 phone and email requests for ESPB and E&T information from the public and other state and federal agencies including referring those related to IDNR E&T consultation, incidental take, data, and permit programs, etc.

10. Coordination with other Agencies

- Ms. Mankowski communicated with Dr. Chuck Knapp and Philip Willink of the Shedd Aquarium about coordinating work on aquatic endangered and threatened animal species monitoring and research that is part of a partnership between the Board, IDNR, and the Shedd.
- Ms. Mankowski responded to a directive from the Governor's Office of the Executive Inspector General coordinated by the IDNR Ethics Officer to provide a current copy of the Board's policy and operations manual and contact information for the OEIG to conduct follow-up with the Board regarding questions or updates.
- Ms. Mankowski conducted a survey and provided a report for a USGS Breeding Bird Survey route in central Illinois.
- Ms. Mankowski communicated with the Office of the Attorney General regarding its request for an ESPB meeting agenda item and follow-up.

11. Field Work

- Conducted a USGS Breeding Bird Survey route in central Illinois.
- Spent one and half days assisting Natural Heritage Biologist Terry Esker with Barn Owl (*Tyto alba*) nest surveys in IDNR Region 5.
- Spent one day assisting Natural Heritage Biologist Bob Lindsay with Least Tern (*Sternula antillarum*) surveys in IDNR Region 5.

12. Other General Administration and Clerical Work

- Prepared and routed Board member and staff travel vouchers.
- Prepared and routed to IDNR Director Miller and Governor Quinn, recommendation letters for reappointment of Board members Gooch, Hofmann, and Kruse.
- Prepared and routed within IDNR vendor payment for Board annual Chicago Wilderness membership.
- Prepared and routed within IDNR vendor payments for two Board research projects.
- Conducted updates to ESPB budget tracking on ORC sharepoint.
- Regularly distributed information to Board members via email and hardcopy mailings.
- Distributed to Board members information regarding required direct deposit forms for reimbursement of travel expenses.
- All aspects of preparation for the August 10, 2012, 155th ESPB meeting.

To: Endangered Species Protection Board Members
From: August 9, 2012
Subject: Illinois Nature Preserves Commission report for the Endangered Species Protection Board (ESPB)

No Illinois Nature Preserves Commission (INPC) meeting has been held since the last ESPB meeting. Below are some significant examples of activities that have been occurring.

- I. Protection Program:** Debbie Newman working with CLIFFTOP and Heartlands Conservancy (formerly the Southwestern Illinois Resource Conservation and Development) prepared materials and assisted in the acquisition by auction of Mill Creek Natural Area. This property in Randolph County helps to establish a link among protected nature preserve and land and water reserves, including Piney Creek Ravine Nature Preserve. Although they did not get all of the parcels desired, they did obtain a critical parcel and are working to establish a positive relationship with the new owners of the other parcels.
- II. Inventory and Monitoring:** INPC staff has been assisting the Division of Natural Heritage in reviewing sites proposed by the Illinois natural Areas Inventory (INAI) Update staff for inclusion in the INAI. INPC staff has participated in the Natural Areas Evaluation Committee meetings.
- III. Defense Program:**
- A. INPC received a written request from the Assistant Attorney General Thomas Davis to review IDNR's implementation of the Comprehensive Environmental Review Process and consultation process with regard to the Rice Lake Environmental Management Project and Mississippi Sands Company mine permit near Starved Rock State Park. Specifically, Office of Attorney General was requesting that INPC review the process and determine if the INPC wanted to request a *Writ of Mandamus* under the Natural Areas Preservation Act from the Court to force IDNR to further consult. The INPC has forwarded the letter to IDNR and is awaiting a response. In the mean time, the issue has been placed on the draft INPC agenda for the September 11, 2012 meeting.
 - B. Significant INPC threat issues:
 1. **Bliss Woods NP, Kane County – Steven Byers, Jenny Skufca**
 - a. Issue: An unknown amount of lead shot has been deposited in the NP by years of trap/skeet shooting at the former Aurora Sportsman's Club.
 - b. Threat: Lead shot poses a threat to humans and the environment.
 - c. Status: Ongoing. INPC staff is working with the NP landowner, Forest Preserve District of Kane County (FPDKC), to minimize impact to the NP. INPC is working with IDNR Legal, Illinois Environmental Protection Agency and the OAG to address potential legal violations and develop remediation strategies.
 2. **Short Fork Seep NP, McDonough County – Angella Moorehouse, Jenny Skufca**
 - a. Issue: The landowner discovered that herbicide associated with power line vegetative maintenance had been used within the NP.
 - b. Threat: Direct impact to flora in the NP causing damage to the vegetation and soils within the high quality portion of the NP.
 - c. Status: Ongoing. The OAG has filed a Complaint for Injunctive and Other Relief in the Circuit Court for the Ninth Judicial Circuit, McDonough County.
- IV. Chicago Natural Areas Conference:** Chicago Wilderness (CW) has been in talks with the Natural Areas Association (NAA) and others to hold the 2013 Natural Areas Conference in Chicago. This would be the 40th Natural Areas Conference. It also would be the 50th anniversary of the INPC. Tentative target dates are the third week of October 2013. NAA and CW are currently in talks with the University of Illinois Conferences and Institutes for a conference organizer.
- V. INPC Stewardship Task Force:** The INPC Stewardship Task Force met again in July and focused discussions on the development of a 501c3 "Friends of Nature Preserves" organization. This organization, if established would be set up to hold funds outside of state government that could be earmarked for stewardship and defense of specific protected sites. Funding sources could be foundations, private donations, fine money and similar opportunities. The organization would be structured to not compete with existing groups, but instead address the funding gap that exists between the different kinds of owners within the Nature Preserves System.

Attachment C

Re: Agenda Items 155-13: Copies of the letter from Mr. Thomas Davis, Office of the Attorney General, requesting an agenda item discussion by the Board and subsequent email correspondence between ESPB Director Ms. Mankowski and Mr. Davis.

From: [Davis, Thomas E.](#)
To: [Mankowski, Anne](#)
Cc: [Dunn, Matthew](#)
Subject: RE: OAG request for Aug 10, 2012 ESPB mtg agenda item
Date: Friday, July 13, 2012 9:12:56 AM

Thank you for the acknowledgment. Please contact me at any time if there are any questions. I do not plan to attend the next meeting but if any discussion does occur I would be happy to attend the following meeting for a more comprehensive review of the problems we have raised for the Board's investigation.

Thomas Davis, Chief
Environmental Bureau/Springfield
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
phone: 217/782-7968
fax: 217/524-7740
tdavis@atg.state.il.us

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From: Mankowski, Anne [mailto:Anne.Mankowski@Illinois.gov]
Sent: Friday, July 13, 2012 8:43 AM
To: Davis, Thomas E.
Cc: Mankowski, Anne
Subject: OAG request for Aug 10, 2012 ESPB mtg agenda item

Dear Mr. Davis:

I received your letter dated July 3, 2012 (copy attached) and this email is to advise you that the Chair of the IL Endangered Species Protection Board has added to the agenda for our next meeting an item to discuss your request. That meeting, the Board's 155th, is scheduled for August 10, 2012, beginning at 10:00 AM, and will be held at Midewin National Tallgrass Prairie, Wilmington, Illinois.

Please note that due to an already otherwise very full agenda and lack of complete information regarding the specific issues/examples referenced in your letter, it is unlikely that a full discussion of all issues involved will be aired during the meeting. Following the meeting, I will provide you follow-up regarding the Board's discussion and determination, and the same will of course also be reflected in approved meeting minutes.

Thank you and please contact me if you have questions in the meantime.

Anne Mankowski
Director
Illinois Endangered Species Protection Board
One Natural Resources Way
Springfield, IL 62702-1271
phone: (217) 785-8687
fax: (217) 785-2438
email: anne.mankowski@illinois.gov



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 3, 2012

Anne Mankowski
Director
Illinois Nature Preserves Commission
One Natural Resources Way
Springfield, Illinois 62702-1271

Re: Part 1075 Consultation

Dear Director Mankowski:

On behalf of the Attorney General's Office, I respectfully request that the Illinois Endangered Species Protection Board address at its next meeting an important issue relating to the protection of species and the natural areas that provide habitat. This issue is whether the Illinois Department of Natural Resources is complying with the Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas rules at 17 Ill. Adm. Code Part 1075. As you are aware, consultation is required when the actions authorized by any mining permit or other construction authorization "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" per Section 11(b) of the Endangered Species Protection Act.

The regulations at Part 1075 dictate the formal procedure by which State and local units of government shall evaluate whether actions authorized, funded, or carried out by them are likely to jeopardize the continued existence or recovery of Illinois listed endangered or threatened species or are likely to result in the destruction or adverse modification of the essential habitat of such species or are likely to result in the adverse modification of a Natural Area. Activities mandating consultation are set forth at Section 1075.30(a) and the Rice Lake project and the proposed sand mine (discussed below) clearly qualify. Section 1075.40 provides a clear prohibition: "The proposed action shall not commence until the completion of the consultation process."

Where the Office of Realty and Environmental Planning's review identifies either a listed species or a Natural Area in the vicinity of the project, a Detailed Action Report is required

-1-

under subsections (c) and (d). Pursuant to Section 1075.40(e), the Detailed Action Report is submitted to the Department “for the formulation of a biological opinion as to whether the proposed action, taken with its cumulative effects, will jeopardize the listed species present or have an adverse impact on its essential habitat or cause adverse modification of the Natural Area.” If the biological opinion concludes that “the proposed action is likely to jeopardize a listed species or its essential habitat or cause adverse modification of the Natural Area . . . the consultation process shall continue” and the Department shall provide “recommendations to avoid these impacts.” A meeting is required under subsection (g) “to discuss practicable alternatives to the proposed action that would avoid, minimize, or compensate for the impacts,” after which (pursuant to subsection (h)) “the agency shall notify the Department in writing, stating its decision to proceed, modify, or forgo the action, and which, if any, of the alternatives included in the Detailed Action Report it is adopting.”

Director Marc Miller provided authorization to the Army Corps to commence the Rice Lake Complex Habitat Rehabilitation & Enhancement Project in Fulton County in a letter dated April 9, 2010. On September 26, 2011 contractors for the Army Corps of Engineers began land-disturbing activities. Instead of summarizing the background information on this project and my attempts last year to obtain documentation regarding the review and authorization of this project, I am enclosing copies of my correspondence with various Department staff. In belated response to my inquiries, the Department has provided copies to me of the one-page “comprehensive environmental review process” form and the approval stipulations attached thereto as well as e-mails among the review staff. The only substantive reply I received last year to any of my seven letters was from Karen Miller. This letter included the review comments that were provided to the Army Corps but inadvertently omitted from the draft report issued to the public. As you will see from Karen Miller’s May 2, 2011 letter, the Department “determined that the action was unlikely to adversely impact the Slim Lake Area INAI site, the osprey, or the decurrent false aster.” The Office of Mines and Minerals simply did not submit an Agency Action Report under Section 1075.40(a).

The “comprehensive environmental review process” for this project was not completed until Rich Lewis issued his approval on April 16, 2011. In fact, Lewis sent an e-mail to Michelle Simone on April 14th indicating that he was “trying to finish the CERP.” The documentation provided to me does not directly address the Natural Area, the anticipated impacts on these lands, recommendations for mitigation, or any factual information pertaining to the likelihood of destruction or adverse modification. Michelle Simone did impose tree-cutting restrictions to mitigate impacts on protected species. Simone’s comments regarding the project were provided to the Army Corps in an October 2009 e-mail in which she suggested that “The 450 acres of tree planting on Duck Island will mitigate the trees to be removed.” Numerous trees have already been removed as I noted in my December 13, 2011 letter to Mitch Cohen. In any event, the ongoing Duck Island project is separate from the habitat rehabilitation and enhancement work, and the documentation does not support Karen Miller’s representation that any consultation occurred under Part 1075. Director Miller’s authorization was communicated to the Army Corps a week before Lewis had made any CERP determination or approval. The Illinois Endangered

Species Protection Board has a duty to investigate the actual effects of this ongoing project and to require the Department to undertake consultation.

The other matter in which Part 1075 consultation is clearly mandated involves surface mining. Mississippi Sand LLC is seeking permits from various agencies for a sand mine located just east of the Starved Rock State Park in LaSalle County. The Office of Mines and Minerals approved the permit application on June 15, 2012 and the permit will issue upon payment of the application fee and posting of the performance bond. Within this proposed mine site, there is a 73-acre high quality wetlands that includes Ernat's Marsh (an Illinois Natural Areas Inventory site). The wetlands will be dewatered during Phases I and II, and mined in Phase III. This Natural Area would be destroyed by mining. The mine site drains to Horseshoe Creek, which flows through Starved Rock to the Illinois River. The Natural Areas within Starved Rock would be subject to adverse modification due to a variety of anticipated impacts, including alteration of natural flows and drainage; for instance, the two million annual visitors to the State Park would be subjected to noise from mine. These Natural Areas also provide habitat for threatened and endangered species.

As I mentioned during our telephone conversation, the Office of Mines and Minerals seems to believe that it is exempt from Part 1075. In fact, legal counsel for the Department elicited testimony and entered documents into evidence in the Banner mine permit review proceeding in an effort to show that the current practices employing some sort of CERP review are sufficient instead of formal Part 1075 compliance. These rules were promulgated by the Department of Conservation in 1990. The Department of Mines and Minerals commented on the proposed rules through a letter dated August 13, 1990 and the Department of Conservation replied with a letter dated September 5, 1990; these documents are attached. The Mines and Minerals concerns about formal consultation included time delays and requirements for additional work. The August 1990 letter from Mines and Minerals proposed the inclusion of a specific exemption at Section 1075.30(c)(9) for coal mine permits. The reply stated "these actions cannot be exempted." According to testimony by Bill O'Leary, Deanna Glosser in the Department of Conservation's endangered species program had indicated that "the consultation process we were using that was already in place with Mr. Malone [at the Department of Conservation], that we would continue to use that same process, and that would suffice to meet the consultation requirements under the Illinois Endangered Species Protection Act." Be that as it may, the final rules do not include any exemption for coal mining permit application review.

I understand that the Division of Ecosystems and Environment has developed an online ecological compliance assessment tool ("Eco CAT") to assist State and local agencies in determining the applicability of the Part 1075 regulations. While this screening approach may be useful, these rules do not authorize the use of Eco CAT as an alternative to formal compliance and objective scrutiny. In fact, I believe that the consultation program has become too informal. The public policy for the Board's mission is set forth at Section 11(b) of the Endangered Species Protection Act:

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. . . .

Additionally, since designated Natural Areas also provide habitat for endangered and threatened species, the public policy of the Illinois Natural Areas Preservation Act (as expressed in Section 17) is also pertinent here:

All areas within the State except those that are expressly designated by law for preservation and protection in their natural condition are liable to be altered by human activity. Natural lands and waters together with the plants and animals living thereon in natural communities are a part of the heritage of the people. They are of value for scientific research, for teaching, as reservoirs of natural materials not all of the potential uses of which are now known, as habitats for rare and vanishing species, as places of historic and natural interest and scenic beauty and as living museums of the native landscape wherein one may envision and experience primeval conditions in a wilderness-like environment. They also contribute generally to the public health and welfare and the environmental quality of the State.

It is therefore the public policy of the State of Illinois to secure for the people of present and future generations the benefits of an enduring resource of natural areas, including the elements of natural diversity present in the State, by establishing a system of nature preserves; protecting nature preserves and gathering and disseminating information regarding them, providing for appropriate use of nature preserves that will not damage them, establishing and maintaining a register of natural areas and buffer areas, providing certain forms of protection and control of registered natural areas and registered buffer areas and otherwise encouraging and assisting in the preservation of natural areas and features.

The Illinois Endangered Species Protection Board has a duty under Section 6 of the Illinois Endangered Species Protection Act: "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." I suggest that whether and how any mandatory consultation is being undertaken by the Department would clearly be a matter related to the protection, conservation and management of protected species. This letter is intended to inform the Board of the lack of mandated consultation for the sand mine proposed by Mississippi Sand, LLC.

The Department's determination as to threatened and endangered species, and Natural Areas, was communicated to the public through the availability session overview document distributed at the community college in Oglesby in May 2012:

It is the Department's opinion that the proposed Mississippi Sands mining operation is unlikely to adversely affect the essential habitat of any State-listed plants or animals known to be present in the vicinity, and is unlikely to modify the Catlin Marsh Illinois Natural Inventory (INAI) Site or the Starved Rock East ANAI Site, but is likely to adversely modify the Ernati's Marsh INAI Site unless measures are taken to protect its hydrology. The Department recommended that surface discharges related to the mining operation should be made at a point downstream of Ernati's Marsh, rather than upstream. This measure has been incorporated into the mining plan. It is the Department's opinion Ernati's Marsh is unlikely to be drained due to the proximity of mine excavations.

These opinions were communicated in advance of the permit application being approved on June 15, 2012.

The purpose of the protection laws is an objective determination of potential effects upon both protected species and protected lands before any land disturbance occurs. The lands listed on the Illinois Natural Areas Inventory are subject to the Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas at Part 1075. The Office of Mines and Minerals must be required to submit a Detailed Action Report to the Impact Assessment Section for mandated review and necessary preparation of a Biological Opinion. The Board's interest (early consultation to eliminate or mitigate adverse impacts to protected species) is being impinged upon by the Department's current practices. Under Section 11(b) of the Illinois Endangered Species Protection Act, the Board would be authorized to seek a writ of mandamus to compel the Department to comply with these laws.

Please notify me as to whether these issues will be placed on the agenda for the next meeting of the Board. If you need me to attend this meeting or have any questions, please contact me. Thank you for your assistance and cooperation.

Sincerely,



Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217.782.7968

cc: Matt Dunn (w/o enclosures)



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 29, 2011

Don McFall, Chief
Division of Natural Heritage
Office of Resource Conservation
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Re: Slim Lake Natural Area/Fulton County and
USACE's Rice Lake Complex Habitat
Rehabilitation & Enhancement Project

Dear Mr McFall:

Local officials and concerned citizens have contacted me about this Army Corps project and the likely adverse effects upon the adjacent Slim Lake Natural Area. The scope of this project continues to change but the enclosed copy of the project factsheet will give you a sense of the current plans. I had sent a letter to Director Miller on May 4, 2010 requesting a meeting but Mitch Cohen, Chief Legal Counsel, contacted me on June 27, 2010 to indicate that "since the litigation related to the Banner Mine permit is ongoing, a meeting . . . is not recommended."

The Army Corps expects to execute a Program Partner Agreement with the State of Illinois in June. Your assistance is requested to clarify the protections afforded to the Slim Lake Natural Area. I am not asking you for any meeting but rather that you 1) consider the applicability of certain statutory obligations to the Department's participation in the Army Corps project and 2) convey information to the Army Corps regarding the status of Slim Lake Natural Area. Copies of this letter are being sent to Director Miller and Mr Cohen.


1) The Department is a partner with the Army Corps in the Rice Lake project. The project seeks to rehabilitate berms and construct a spillway (at the cost of hundreds of mature trees and further decrease of usable habitat); large pumps would be installed to move water between Rice Lake and the Illinois River. The Department would be responsible for O & M estimated to cost nearly a hundred thousand dollars a year. The construction of pumping facilities are planned in the area across from the north end of Duck Island. This land is situated within the Slim Lake Natural Area and the Department is obligated to comply with the "Consultation

Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas” rules at 17 Ill. Adm. Code Part 1075 whenever actions authorized by the Department “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” per Section 11(b) of the Endangered Species Protection Act and whenever such actions “are likely to result in the destruction or adverse modification of any natural area that is registered under this Act or identified in the Illinois Natural Areas Inventory” per Section 17 of the Illinois Natural Areas Preservation Act. The likelihood of any “adverse modification” of Slim Lake and the habitat it affords to listed species is sufficient to mandate this consultation. Even though this is a Corps project, the State agency’s participation triggers the mandatory consultation. By implementing these procedures, the Department would provide an objective assessment of the environmental costs of this proposed rehabilitation.

2) I have been informed that Marvin Hubbel, USACE project manager, has questioned whether the Slim Lake Natural Area is appropriately or legally designated as an INAI site. I am unaware of any inquiries by Mr Hubbel to you or your agency regarding the protected status of Slim Lake. I am similarly unaware of any deficiency in the legal designation of Slim Lake. However, I do ask that you contact Mr Hubbel to affirmatively resolve his questions or concerns.

I am not sure of the extent of your prior involvement in or awareness of this controversy but I do not intend to suggest that the Division of Natural Heritage has failed to take any necessary action. In fact, it is my belief that the Slim Lake Natural Area continues to benefit from the protections of State law due to the good work of you and your staff. Please contact me if you have any questions. Thank you for your assistance and cooperation.

Sincerely,


Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217.782.7968

cc: Director Marc Miller
Mitch Cohen
Marvin Hubbel
Mayor Kenneth Fuller
John Grigsby
Joyce Blumenshine



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 22, 2011

Karen Miller, Manager
Impact Assessment Section
Ecosystems and Environment Division
Office of Realty and Environmental Planning
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Re: Slim Lake Natural Area/Fulton County and
USACE's Rice Lake Complex Habitat
Rehabilitation & Enhancement Project

Dear Ms Miller:

The Department is a partner with the Army Corps in the above-referenced project. The project seeks to rehabilitate berms and construct a spillway, and involves the construction of pumping facilities in the area across from the north end of Duck Island to move water between Rice Lake and the Illinois River. This construction area as presently proposed is situated within the Slim Lake Natural Area. Before discussing our concerns, allow me to briefly explain how the Attorney General's Office became involved with this Rice Lake controversy.

The Department's Office of Mines and Minerals issued a permit for the proposed Banner Mine on November 15, 2007. The Attorney General filed a petition for internal administrative review, joining the Sierra Club, the Eagle Nature Foundation, the Village of Banner, and more than a dozen citizens in requesting a hearing to challenge the permit. The hearing officer has issued a decision vacating the permit approval, but there are numerous legal issues that remain unresolved, one of which is the Department's own obligations to comply with the "Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas" rules at Part 1075. As you are well aware, compliance with these rules is mandated whenever actions authorized by the Department "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" per Section 11(b) of the Endangered Species Protection Act and whenever such actions "are likely to result in the destruction or adverse modification of any natural area that is registered under this Act or identified in the Illinois Natural Areas Inventory" per Section 17 of the Illinois Natural Areas Preservation Act. Although we provided evidence of protected species within the Slim Lake Natural Area, including not only the "de-listed" bald eagle but also the endangered osprey,

the Office of Mines and Minerals did not attempt to comply with these rules during the mining permit process. The position of our Office is that consultation is mandatory for State agencies that authorize, fund, or perform actions which may result in alteration of existing environmental conditions or which may adversely affect listed species or Natural Areas.

The likelihood of any "adverse modification" of Slim Lake and the habitat it affords to protected species is sufficient to mandate this consultation. Even though this is a Corps project, your agency's participation triggers the mandatory consultation. By implementing these procedures, the Impact Assessment Section would ensure an objective assessment of the environmental costs of this proposed rehabilitation. As it stands, the Army Corps refuses to conduct any public hearing on the joint project despite legitimate requests by the public and local officials. An "open house" was held in Banner in January 2010 but the information regarding protected species and habitat provided by IDNR staff was apparently incorrect. In any event, this "open house" did not satisfy any public hearing requirement and did not allow for a full investigation of the affected ecosystems and environment. Moreover, the Army Corps project manager has apparently questioned whether the Slim Lake Natural Area is appropriately or legally designated as an INAI site. The concerned citizens had apparently been told that the Army Corps did not consider Slim Lake to be any obstacle to the project because of questions about its designation as a Natural Area. The correspondence from Don McFall hopefully resolves any confusion regarding the protected status of Slim Lake.

Our request is that you require your agency to determine pursuant to Section 1075.30 whether its authorization (pending or final) for federal construction on State lands requires the submittal of an Agency Action Report. There is no suggestion that the Army Corps must comply with Part 1075. Our concern is that the State agency comply with applicable State law. The consultation process and its key public participation components must be satisfied in order for transparency and accountability to be achieved. Please contact me if you have any questions. Thank you for your assistance and cooperation.

Sincerely,

COPY

Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217.782.7968

cc: Director Marc Miller
Mitch Cohen
Marvin Hubbel
Mayor Kenneth Fuller
John Grigsby
Joyce Blumenshine



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 12, 2011

Karen Miller, Manager
Impact Assessment Section
Ecosystems and Environment Division
Office of Realty and Environmental Planning
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Re: Slim Lake Natural Area/Fulton County and
USACE's Rice Lake Complex Habitat
Rehabilitation & Enhancement Project

Dear Ms Miller:

I appreciate your timely reply to my letter. As you know, Don McFall has also responded to my inquiries. Both yours and his reply provide assurance that the Department is attempting to satisfy its legal obligations regarding State lands. However, I would like the documents that you and Mr McFall have referenced so that I may address the numerous concerns communicated by local officials and concerned citizens to the Attorney General's Office. In particular, I request copies of the comments provided by Michelle Simone (referenced by Mr McFall) and the materials you refer to regarding the submission of the project to the Impact Assessment Section for review under Part 1075. Was this submission made in the form of an Agency Action Report? I would also like any documents generated under Part 1075. Your letter indicates that a determination has been made that the project is unlikely to adversely impact the Slim Lake Natural Area. It would appear from your letter that review under Part 1075 has already been conducted. Has the consultation process been completed?

It would seem obvious to me that "listed species or their essential habitat or Natural Areas" must have been identified "in the vicinity of the proposed action." It is my understanding that some of "the proposed construction areas" you refer to are actually located within or immediately adjacent to the Slim Lake Natural Area itself. As you certainly know, Section 1075.40(b)(2) requires the following: "If a listed species or a Natural Area is identified within the vicinity of the project, the agency will be sent a letter explaining the continuation of the consultation process and a Detailed Action Report." However, the implications of your letter

seem to be that no Detailed Action Report was issued by your Section. If this is the case, please explain how the "vicinity" was delineated. Both you and Mr McFall mention reports of protected species nesting in this area. I am interested to determine whether these reports include any of the extensive information provided through the testimony of several witnesses in the Banner Mine permit proceedings in 2008 regarding the bald eagle, osprey and other protected species. Were any of these "unofficial" reports considered by your Section to constitute a "valid record of occurrence for a listed species or a Natural Area exists within the vicinity of the proposed action?" I would hope that all relevant available information was reviewed and properly documented.

I ask that these documents be provided in advance of the June 7th meeting with the U.S. Army Corps in Banner.

I had inadvertently omitted Todd Rettig from the recipients of my earlier letter to you. Since Mr Rettig is the Acting Director of the Office of Realty and Environmental Planning, he may want to be involved in this matter. Thank you for your assistance and cooperation.

Sincerely,
COPY
Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217.782.7968

cc: Director Marc Miller
Todd Rettig
Mitch Cohen
Marvin Hubbel
Mayor Kenneth Fuller
John Grigsby
Joyce Blumenshine



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 11, 2011

Mr Todd Rettig, Acting Director
Office of Realty and Environmental Planning
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Re: Slim Lake Natural Area/Fulton County and
USACE's Rice Lake Complex Habitat
Rehabilitation & Enhancement Project

Dear Todd:

I wrote you on July 1st to ask that a reply be made to my letter of May 12, 2011 to Karen Miller, Manager of the Impact Assessment Section. When I did not receive any reply from you after a couple weeks, I noticed to my chagrin that I had misdated my letter to you. I apologize for any confusion.

If your agency has complied with Part 1075, then I request copies of the pertinent documents, e.g. Agency Action Report, Detailed Action Report, and biological opinion, etc.. If, however, your agency somehow determined that the Rice Lake project does not require any consultation pursuant to Part 1075, then I respectfully ask for an explanation.


The final Definite Project Report with Integrated Environmental Assessment was released by the Army Corps in March 2011. The documents in Appendix A include Director Miller's April 9, 2010 letter of support (pages A-108 & 109). The next two pages (copies enclosed) appear to relate your agency's comprehensive environmental review process. Document A-110 was apparently initiated by the Rice Lake site superintendent and faxed to CERP staff on March 22, 2010; under the "reviews performed" section, approval occurred on April 16, 2010 with the comment that "All concerns have been addressed and accommodated for in the USCOE-RI final report." Document A-111 indicates that "The project is approved with the following stipulations" regarding Indiana bats, bald eagle nests, bald eagle winter night roost, Boltonia decurrens, and osprey. These four pieces of paper indicate that the letter of support was sent on April 9, 2010 prior to completion of the CERP on April 16, 2010 and that the CERP apparently took a little over three weeks to complete. Please provide the documents regarding this comprehensive

environmental review process and identifying all the concerns of your agency that were addressed and accommodated by the Army Corps in its final report; please also identify which "final" report was referenced in the CERF approval document.

My July 1st letter to you also indicated that the design and scope of this project are still being modified, and that the Army Corps intends to proceed with work this year. Please be advised that the Army Corps issued on yesterday's date a summary of changes and clarifications (copy enclosed). This followed on the heels of a site visit on August 9, 2011 by several representatives of your agency, a contingent from the Army Corps, and various contractors. It appears that resources are being mobilized for the commencement of construction. Therefore, I ask that you respond to my informational requests as soon as possible.

Thank you for your assistance and cooperation.

Sincerely,


Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217.782.7968

cc: IDNR Director Marc Miller
Karen Miller/IDNR Impact Assessment Section
Mitch Cohen/IDNR Legal Counsel

Illinois Department of Natural Resources
COMPREHENSIVE ENVIRONMENTAL REVIEW PROCESS

Project Code: 1007815 Project Title: Rice Lake EMP

Site Name: Rice Lake SFELC/DIA Proposed Start Date: 8/1/10

Contact Person: Bill Doos/ASS Phone Number: 309.647.984

Email Address: _____ @ _____ Fax Number: 309.647.1013

County: Peoria T: 64/521 R: 6E/5E S: 23,26 34, 33

Project Description: To provide water control and pumping 3,4 for Rice Lake & Big Lake

Funding Sources: IDNR Capital _____ / Heavy Equipment _____ / Force Account _____

Other State, Local, or Private Agency _____
Federal _____ Federal program (e.g., P-R) EMW

Approval by Site Superintendent: (For all NON CAPITAL projects, e.g., heavy equipment, force account, leases, R.O.W., etc.) _____

Signature, Site Superintendent: [Signature] Date: 3-22-10

CERP Staff Only:

REVIEWS PERFORMED

Approved with _____ Approved with _____
Restrictions _____ Comments _____

Threatened & Endangered Species _____ All concerns have been
Natural Areas/Nature Preserves _____ addressed and accommodated

Wetlands _____ for ID the USCOE-RT

Cultural Resources _____ Final report.

Other _____

Rich Lewis
Rich Lewis, Manager
CERP - 217-785-5500
Date: 4-16-10

DEPARTMENT OF
NATURAL RESOURCES

MAR 24 2010

ORREP

Rice Lake State Fish & Wildlife Area: Habitat Rehabilitation and Enhancement Project – CERP #1007815

The project is approved with the following stipulations:

Indiana Bats – Some of the trees that will be removed in this project are potential female summer roost trees for Indiana bats. For this reason, removal of trees over 9 inches dbh should be minimized as much as possible. However, it is understood that tree removal will be necessary, particularly along the river levee. To avoid direct impact to Indiana bats, no trees over 9 inches dbh should be cut between April 1 and September 30.

Bald Eagle Nests – Previously there was an active eagle nest approximately 250 yards from an area where trees are to be removed along Slim Lake. The nest has not been rebuilt for the last two years. However, if an eagle nest is built within ¼ mile of any of the construction areas, IDNR Natural Heritage staff should be contacted for distance and timing recommendations.

Bald Eagle Winter Night Roost – An active night roost occurs at Rice Lake SFWA. The new drainage channel to be constructed at the north end of the site will be near and within the eagle roost area. This will include the removal of approximately twenty silver maple trees within the eagle roost. It is believed that this tree removal will not cause disturbance to the eagle roost if the construction is conducted outside the time period when the eagles will be using the roost. Therefore, no tree removal or construction activities should occur in the eagle roost area between November 15 and March 1.

Boltonia decurrens - *Boltonia decurrens* does occur at Rice Lake SFWA. In the Natural Heritage database there is a record at the proposed pump station location. If *Boltonia decurrens* plants are located in the construction area, it should be addressed with IDNR Natural Heritage staff and USFWS.

Osprey – Ospreys are nesting at adjacent Banner Marsh SFWA and in 2007 there was a report of an unsuccessful osprey nesting attempt at Rice Lake SFWA within the northern EMP project area. There are no current osprey nests known in the project areas. However, if an osprey nest is built within ¼ mile of any of the construction areas, IDNR Natural Heritage staff should be contacted for distance and timing recommendations.

Environmental Management Program
Rice Lake Habitat Rehabilitation and Enhancement Project

Changes and Clarifications

10 August 2011

Changes

The following list details changes to the Rice Lake HREP project features resulting from new or additional data, specific surveys, and/or further investigations acquired since the final planning report was prepared:

- ❖ **Overflow Spillway:** No riprap will be placed on the spillway. This change was made following further hydraulic investigations that determined that rock protection was not needed based on the anticipated flows across the spillway.
- ❖ **Overflow Spillway:** Dimensions of the spillway were modified to have 4:1 side slopes on the segment that crosses Goose Lake. This change was made to decrease the velocity of the flows across the spillway and was the result of the further hydraulic investigations that also eliminated riprap placement.
- ❖ **Pump Station Control Building:** The electrical control building was relocated downstream of the pump station discharge (outlet) structure to remove it from the discharge channel template. This will avoid any potential erosion around the support columns.
- ❖ **Pump Station:** The method of conveyance from the pump station to the discharge (outlet) structure was redesigned to be a single box culvert versus separate steel pipes for each pump. This was determined to be more cost effective and eliminates placing pressurized pipes beneath the existing Banner Dyke Road.
- ❖ **Pump Station:** The pilings under the pump station were changed from timber to steel H-pilings. This was a constructability issue as steel pilings are easier to drive than timber pilings.

- ❖ Pump Station Discharge Channel: The top elevation for the new embankment along the discharge channel was raised one foot to 441.0 NGVD. This change was made because the cross section was modified to eliminate the 10-foot separation distance between the new embankment and the excavated channel, which required a slightly higher top elevation. In addition, the existing Voorhees Unit embankment will be raised to also maintain a top elevation of 441.
- ❖ Pump Station Discharge Channel: The 50 feet of articulated mat at the pump station outlet was changed to riprap and the riprap on the discharge channel bends was eliminated. The articulated mat was switched to riprap because riprap is already being provided elsewhere on the project and is equally effective. Riprap was dropped from the channel bends because additional hydraulic analysis indicated that erosion protection was not needed in these areas.
- ❖ Fish Egress and Gatewell Structures: The fish egress structure between Goose Lake and the Illinois River and the gatewell structure were combined. These structures were combined into a single structure to simplify the design (the capacity is still the same). Also, the combined structure will have grating across the top.

Clarifications

The following statements are intended to clear misconceptions concerning construction of the project features:

- ❖ Overland Flow Spillway: Tree clearing along the spillway alignment will only occur in work areas. Much of the identified alignment is presently at the desired 440.0 NGVD elevation and will not require any tree clearing. Any areas in the spillway alignment above the 440.0 NGVD elevation will not be degraded to 440.0 NGVD.
- ❖ Pump Station: All the pumps are one way operation and will only pump water into the management area for the benefit of migratory water birds and other resident species.
- ❖ Discharge Channel: Riprap placement in the channel is limited to the area immediately upstream and downstream of the discharge (outlet) structure and is

designed to dissipate energy as water from the pump station enters the discharge channel and makes a 90 degree turn.



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 1, 2011

Ms Virginia Yang
Deputy Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Re: Slim Lake Natural Area/Fulton County and
USACE's Rice Lake Complex Habitat
Rehabilitation & Enhancement Project

Dear Virginia:

I am in receipt of documents in response to my numerous inquiries and pursuant to our conversation yesterday. One of my previous letters to Department staff indicated that the final Definite Project Report with Integrated Environmental Assessment was released by the Army Corps in March 2011 and that documents in Appendix A of this report include Director Miller's April 9, 2010 letter of support (pages A-108 & 109) and only two pages appear to relate to your agency's comprehensive environmental review process. Document A-110 was apparently initiated by the Rice Lake site superintendent and faxed to CERP staff on March 22, 2010; under the "reviews performed" section, approval occurred on April 16, 2010 with the comment that "All concerns have been addressed and accommodated for in the USCOE-RI final report." Document A-111 indicates that "The project is approved with the following stipulations" regarding Indiana bats, bald eagle nests, bald eagle winter night roost, Boltonia decurrens, and osprey. Until your materials were provided, this was all I had as to any review concerning the construction project in and adjacent to Rice Lake SFWA and Slim Lake Natural Area.

You have sent me a computer disk of the January 2010 public review draft of the above-referenced Army Corps report, copies of the documents identified above and subsequently included in the March 2011 report as A-110 and 111, a couple maps and several pages of e-mails.

Yesterday, you told me that no Agency Action Report exists. This document is explicitly required to initiate consultation under the Part 1075 regulations. Bill Douglass's March 22, 2010 request to initiate the comprehensive environmental review process is a one-page form which also documents the reviews performed, a summary of review comments and management

approval by Rich Lewis on April 16, 2010. This document [A-110] does not cite Part 1075 and was apparently not intended as an Agency Action Report. According to Section 1075.40(a): "The purpose of this report is to identify the specific location of the project in order to determine if a listed species or Natural Area is located within the vicinity of the proposed action."

The e-mails exchanged internally and with the Army Corps also do not reference Part 1075 but do mention concerns regarding protected species and habitat. The e-mails you have provided are limited to the following:

February 9, 2009	Pat Malone to Rich Lewis
October 29, 2009	Michelle Simone to Charlene Carnack
January 27, 2010	Michelle Simone to Rick Mollahan
February 9, 2010	Pat Malone to Rich Lewis
March 10, 2010	Rick Mollahan to Darron Niles
March 10, 2010	Michelle Simone to Rick Mollahan
March 10, 2010	Charlene Carnack to Michelle Simone
April 12, 2010	Marge Schroeder to Rich Lewis
April 14, 2010	Pat Malone to Rich Lewis
April 14, 2010	Rich Lewis to Michelle Simone
April 16, 2010	Rich Lewis to Charlene Carnack
April 16, 2010	Charlene Carnack to Rich Lewis
April 16, 2010	Rich Lewis to Bill Douglass
April 27, 2010	Rich Lewis to Bill Douglass
April 27, 2010	Charlene Carnack to Rich Lewis
April 27, 2010	Rich Lewis to Charlene Carnack

Many of these messages relate to Michelle Simone's comments regarding her concerns about endangered species impacts from the project. These comments were provided to Charlene Carnack of the USACE in October 2009 and employed verbatim in the undated "stipulations" for project approval [Document A-111]. Unfortunately, Michelle Simone's comments were not included in the January 2010 public review draft of the Army Corps report so the Department's concerns regarding these wildlife issues were not conveyed to the public. One of the major concerns expressed by local citizens and officials is the lack of transparency in this Army Corps project and the omission of any evaluation by the Department is especially troubling. More importantly, while Michelle Simone mentions that "trees are to be removed along Slim Lake" there is no discussion of the Slim Lake Natural Area itself and no acknowledgment of any obligations under Part 1075.

As you may know, Section 1075.40(b) provides that if a listed species or a Natural Area is identified within the vicinity of the project, a Detailed Action Report must be submitted. You also told me yesterday that no Detailed Action Report exists. You did mention something about a biological opinion but I do not see such a document within the materials you provided. If perchance you mean Michelle Simone's comments, then you are mistaken. Section 1075.40(e) requires the Department to formulate a biological opinion on the basis of the Detailed Action

Report and to include one of three possible conclusions. Where the proposed action is likely to jeopardize a listed species or its essential habitat or cause adverse modification of the Natural Area, the consultation process must continue

You also mentioned during our conversation that certain documents would be provided but marked as confidential; no such materials were included in what you have sent so far. There is a mention at the very end of Michelle Simone's comments that "E & T species occurrences for this site should not be released in public documents." What is the legal basis for this assertion? I look forward to receiving this occurrence information which I have specifically requested, so please let me know if there is any problem.

Lastly, we also discussed Section 1075.30(d) which allows the Department to enter into a memorandum of understanding with an agency to allow for an "expedited review" and requires that any such agreement "shall be available from the Department upon request." In this particular instance, one part of the Department must submit its project to review by another part of the Department. A written protocol would be essential.

Since it is now apparent that the Department has in fact not complied with Part 1075, I also request your feedback on how to rectify this situation prior to any construction activities on State lands. Please reply to this letter as soon as possible. Thank you for your assistance and cooperation.

Sincerely,

COPY
Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217.782.7968

cc: Matt Dunn



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 13, 2011

Mitchell Cohen
Chief Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Re: Rice Lake Complex Habitat Rehabilitation &
Enhancement Project

Dear Mitch:

The Army Corps has removed hundreds of trees from areas within and adjacent to the Slim Lake Natural Area. This project is proceeding without the necessary compliance by your agency with its statutory and regulatory obligations to evaluate adverse affects upon listed species and their habitats, and the Natural Area itself. For instance, Section 1075.40(b) provides that if a listed species or a Natural Area is identified within the vicinity of the project, a Detailed Action Report must be submitted. It is obvious that no Detailed Action Report exists. Section 1075.40(e) requires IDNR to formulate a biological opinion on the basis of the Detailed Action Report and, where the proposed action is likely to jeopardize a listed species or its essential habitat or cause adverse modification of the Natural Area, the consultation process must continue.

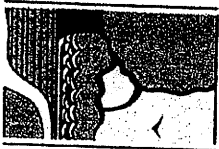
I had written Virginia Yang on December 1st to request her feedback on how to rectify this situation prior to any construction activities on State lands. In fact, my previous letters requesting the review documentation for this project noted the plans to clear out the trees from the project site. Tree removal has now been accomplished. What do you intend to do about this situation? Please advise as soon as possible. Thank you for your assistance and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Davis".

Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217.782.7968

cc: Matt Dunn



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

April 9, 2010

Gary R. Meden
Deputy for Programs and Project Management
US Army Engineer District, Rock Island
Clock Tower Building
P.O. Box 2004
Rock Island IL, 61204-2004

Dear Mr. Meden:

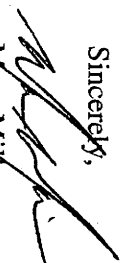
The Illinois Department of Natural Resources (Department) supports the U.S. Army Corps of Engineers' (USACE) Rice Lake Habitat Rehabilitation and Enhancement Project for ecosystem restoration Rice Lake State Fish and Wildlife Area, Fulton County, Illinois. The project's primary purpose would be to improve habitat for migratory waterfowl. Reestablishing the Hate Levee and installing the pumping facility would reduce sedimentation and enable manipulation of the water level necessary for moist soil management. Food supply for waterfowl would be more reliable due to greater water control capabilities. Habitat would be improved for herons, egrets, shorebirds, eagles, cormorants, and other species that utilize the area.

Construction for the Rice Lake HREP is estimated at \$18,533,312. Federal share at 65% is \$11,744,268. The total non-Federal cost share at 35% is estimated at \$6,789,044 utilizing land credits towards its 35 % cost-share. Current LERRD estimates exceed the 35% cost share. The state will receive LERRD credits not to exceed 35% of project costs.

Project operation and maintenance, at an estimated average annual cost of \$34,117 would be the Department's costs at 100% as the non-Federal Sponsor.

We will provide all necessary assistance to the US Army Corps in obtaining all permits and certifications, including a Section 401 Water Quality Certification and the Illinois joint permit to work in the floodplain, that are required for this project to proceed to construction in a timely manner. Thank you for your assistance in this effort. If additional information is needed, please contact Mr. Richard J. Mollahan at 217-785-8264.

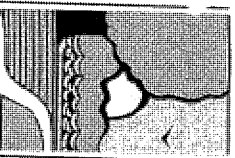
Sincerely,



Marc Miller
Director

cc: Richard J. Mollahan

bcc: Jim Herkert, ORC
Debbie Bruce, ORC
Todd Rettig, OREP
Gary Clark, OWR
Bill Douglass, Lands
Art Neil, Contracts and Engineering



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

May 2, 2011

Tom Davis, Chief
Environmental Bureau
Office of the Attorney General
500 South Second Street
Springfield, IL 62706

Dear Mr. Davis:

Thank you for your letter dated March 29, 2011 regarding USACE's Rice Lake Complex Habitat Rehabilitation & Enhancement Project. This project was submitted to the Impact Assessment Section for review under Part 1075 on March 29, 2010. Staff reviewed the project and coordinated our response with the District Heritage Biologist covering the area in question. Because the action is occurring on IDNR land, the project received a comprehensive internal review, meaning that the review considered impacts to more resources than are subject to review under Part 1075.

It was determined that the action was unlikely to adversely impact the Slim Lake Area INAI site, the osprey, or the decurrent false aster. While *Boltonia decurrens* occurs at Rice Lake SFWA, it is not currently known to exist in any of the proposed construction areas. However, the following protective measures were stipulated for the project to move forward.

- Indiana Bats – Some of the trees that will be removed in this project are potential female summer roost trees for Indiana bats. For this reason, removal of trees over 9 inches dbh should be minimized as much as possible. However, it is understood that tree removal will be necessary, particularly along the river levee. To avoid direct impact to Indiana bats, no trees over 9 inches dbh should be cut between April 1 and September 30.
- Bald Eagle Nests – Previously there was an active eagle nest approximately 250 yards from an area where trees are to be removed along Slim Lake. The nest has not been rebuilt for the last two years. However, if an eagle nest is built within ¼ mile of any of the construction areas, IDNR Natural Heritage staff should be contacted for distance and timing recommendations.
- Bald Eagle Winter Night Roost – An active night roost occurs at Rice Lake SFWA. The new drainage channel to be constructed at the north end of the site will be near and within the eagle roost area. This will include the removal of approximately twenty silver maple trees within the eagle roost. It is believed that this tree removal will not cause disturbance to the eagle roost if the construction is conducted outside the time period when the eagles will be using the roost. Therefore, no tree removal or construction activities should occur in the eagle roost area between November 15 and March 1.

- Osprey – Ospreys are nesting at adjacent Banner Marsh SFWA and in 2007 there was a report of an unsuccessful osprey nesting attempt at Rice Lake SFWA within the northern EMP project area. There are no current osprey nests known in the project areas. However, if an osprey nest is built within ¼ mile of any of the construction areas, IDNR Natural Heritage staff should be contacted for distance and timing recommendations.

If you have any questions, please contact me at 524-1048.

Sincerely,



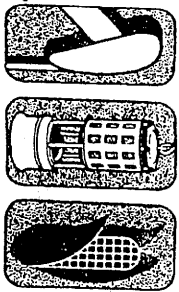
Karen M. Miller

Division of Ecosystems and Environment

ILLINOIS DEPARTMENT OF MINES AND MINERALS

Richard R. Shockey
Director

300 WEST JEFFERSON STREET - SUITE 300
P.O. BOX 10137
SPRINGFIELD, ILLINOIS 62791-0137
TELEPHONE: (217) 782-5791



August 13, 1990

RECEIVED
MARIETTA DISTRICT OFFICE

Mr. Jack Price
Illinois Department of Conservation
524 South Second Street, Room 485
Springfield, Illinois 62701-1787

AUG 15 1990

Dear Mr. Price:

DEPT. OF MINES AND MINERALS
LAND RECLAMATION DIV.

Re: Proposed Rules (17 Ill. Adm. Code 1075)
Consultation Procedures for Assessing Impacts of
Agency Actions on Endangered and Threatened Species

The Illinois Department of Mines and Minerals has reviewed the proposed Illinois Department of Conservation ("IDOC") rules and has the following comments to offer:

A. Coal mining permit exemption.

We recommend the following addition to the actions exempted from the IDOC consultation process listed in proposed Section 1075.30(c). Specifically, on page 11039, after subsection (c)(8), add a new (c)(9) subsection as follows:

(c)(9) Surface and underground coal mine permit actions under 62 Ill. Adm. Code 1700-1850 in which the Department functions under an existing Interagency Agreement, pursuant to Section 1.05 of the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.05.

Rationale

The Illinois Department of Mines and Minerals is granted the authority under the Surface Coal Mining Land Conservation and Reclamation Act ("State Act") and its implementing regulations, 62 Ill. Adm. Code 1700-1850, to regulate surface and underground coal mining operations in Illinois, including the issuance of permits for such operations.

Pursuant to the Federal Surface Mining Control and Reclamation Act of 1977, the Illinois regulatory program is approved by the Secretary of the Interior, is partially funded by the Secretary and is subject to ongoing oversight by the Federal Office of Surface Mining Reclamation and Enforcement. Part of this program

Exhibit
73(a)

funding is provided to support the IDOC's coal mining program section under an Interagency Agreement executed with the Illinois Department of Mines and Minerals pursuant to Section 1.05 of the State Act. The activities of the IDOC coal mining program section under this Interagency Agreement include reviewing permit applications to assess "adverse impacts to threatened and endangered species...." In essence, the current Interagency Agreement between the IDOC and the Illinois Department of Mines and Minerals already provides for the consultation process envisioned by the proposed rules.

Section 9.05 of the State Act provides for the Illinois Department of Mines and Minerals to coordinate with other agencies to simplify and expedite the procedures required to obtain permits and approvals for mining operations within Illinois. Agreements and procedures for complying with this statutory provision, agreements including the Interagency Agreement between the Illinois Department of Mines and Minerals and IDOC, have been approved by the Secretary of the Interior and are currently in operation. Therefore, exempting the Illinois Department of Mines and Minerals' coal mining permit review procedures from the consultation process outlined in the IDOC's proposed rules is necessary in order to avoid conflicts with IDOC's current activities under Sections 1.05 and 9.05 of the State Act.

B. Ongoing consultation.

Proposed Section 1075.40(e)(3) does not specify how long the consultation process will continue in the event that IDOC finds that the agency's proposed actions are likely to jeopardize a listed species. We question this open ended consultation requirement for two reasons.

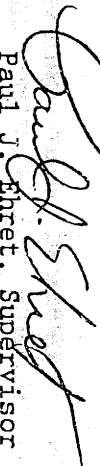
Rationale

First, Section 11b of the Illinois Endangered Species Protection Act states that once an agency has consulted with IDOC it "...shall be deemed to have complied with its obligations under the 'Illinois Endangered Species Act'...." Ill. Rev. Stat. 1989, ch. 8, par. 341(b). The only remedy available to the IDOC under Section 11(b) in the event of an agency's failure to adequately consult on such matters is to seek a writ of mandamus in state circuit court. The IDOC proposes to go beyond these clear, though limited, statutory provisions by creating an ongoing (and potentially endless) consultation process if the IDOC disagrees with the agency's "Detailed Action Report". Thus, it seems plain that the ongoing consultation process outlined in proposed Section 1075.40(e)(3) exceeds the IDOC's authority granted by Section 11(b) of the Illinois Endangered Protection Species Act.

Secondly, Section 4.02 of the Illinois Administrative Procedure Act provides that "each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power." Ill. Rev. Stat. 1989, ch. 127, par.1004.02. The totally "open ended" nature of the consultation process outlined at Section 1075.40(e)(3) does not articulate the standards that the IDOC will use in determining when, if ever, the consultation process will come to an end. The IDOC should precisely and clearly state when the consultation is deemed complete under the circumstances described in Section 1075.40(e)(3). Therefore, the IDOC may wish to consider utilizing the time frames followed by the Illinois Department of Mines and Minerals for rendering permit decisions, as set forth in 62 Ill. Adm. Code 1773.19.

Thank you for this opportunity to comment.

Sincerely,

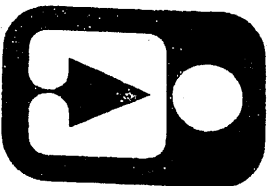


Paul J. Ehret, Supervisor
Land Reclamation Division

PJE:WO:ls

cc: J. Henriksen
C. Medvick
W. O'Leary

Illinois



Department of Conservation

Life and Land Together

LINCOLN TOWER PLAZA • 524 SOUTH SECOND STREET • SPRINGFIELD 62701-1787
CHICAGO OFFICE • ROOM 4-300 • 100 WEST RANDOLPH 60601
MARK FRECH, DIRECTOR - KATHY SELCKE, ASSISTANT DIRECTOR

September 5, 1990

SEP 15 1990

Illinois Department of Mines and Minerals

Paul Ehret, Supervisor
Land Reclamation Division
300 W. Jefferson Street
Suite 300
P.O. Box 10137
Springfield, IL 62971-0137

RECEIVED

SPRINGFIELD

SEP 10 1990

DEPT. OF MINES AND MINERALS
LAND RECLAMATION DIV.

Dear Mr. Ehret:

Jack Price has forwarded your comments of August 13 to me for review. I appreciate you having taken the time to review the proposed rules for implementation of the consultation process as required by the Endangered Species Protection Act. You have raised two issues that I believe can be explained to your satisfaction.

The first issue was a request for an exemption for surface and subsurface coal mine permit actions under 62 Ill. Adm. Code 1700-1850. The reason provided for this request primarily rests on the premise that such activities are already reviewed for threatened and endangered species through an Interagency Agreement with this Department. This exemption was requested in order to avoid conflicts with the process already in place.

I want to assure you that the process that is currently in place for review of mining permit actions will remain largely unchanged. Your projects are now reviewed for threatened and endangered species and will merely continue to be evaluated, with only minor changes made to the process that exists within this Department. These are internal processes and will not affect your review process. Your points-of-contact within the Division of Planning's Impact Analysis Section will remain the same. I will be in contact with them regarding review for state listed species rather than contacting you directly.

Because no additional steps are being required for the review of mining permit actions, no conflicts or overlap is anticipated. Although these actions cannot be exempted, I believe that this issue is being addressed to satisfy your concern.

Exhibit

73(b)

LETTER TO: Paul J. Ehret
September 5, 1990

Page 2

The second issue you have raised relates to the "open-ended" nature of the consultation process. You have requested that more specific time limits be placed on this process.

While I understand your concern, it is difficult to impose strict deadlines on state and local units of government to respond to requests for information. I believe it is important to allow governmental units the flexibility to respond as best fits the needs of their projects.

Despite the appearance of an open-ended process, there are clear termination points to the consultation process. For example, when an action is initially reviewed for the presence or absence of a state listed species, IDOC has 30 calendar days to respond to the agency as to whether such a species is known to exist in the vicinity of the proposed action. If none exists, the consultation process terminates.

However, if a state listed species is present, the agency must submit additional facts about the action in order that impacts be properly assessed. No time frame is given for submission of this information in order to afford as much flexibility to units of government as possible.

However, once the information has been supplied to IDOC, a biological opinion and recommendation must be made and provided to the agency within 60 calendar days. Again, if no adverse impacts are anticipated, the consultation process is terminated.

If adverse impacts are expected to occur, IDOC staff will offer recommendations to eliminate or minimize these impacts. A meeting will be scheduled to discuss these recommendations and practicable alternatives. Again, no time limit has been placed on scheduling the meeting in order to allow the agency the time required to evaluate the recommendations.

Once the meeting has been held, the agency will submit, at their convenience, a letter stating which of the recommendations will be accepted or rejected. If the response is acceptable to IDOC, the consultation process is terminated. If there are disagreements, IDOC has 10 days in which to respond. After that point, the consultation process terminates and the unit of government can proceed with the action.

Time limits have been required on every occasion when action is required by IDOC, but the governmental units are allowed to respond as needed to best fit within their process. While this may seem "open-ended", there are clear and definitive end termination points to the consultation process. At most the process can consist of the following steps:

LETTER TO: Paul J. Ehret
September 5, 1990

Page 3

1. a. Agency submits action for review.
b. IDOC responds within 30 days - consultation ends if no species are present.
2. a. Agency submits additional information if a listed species is present.
b. IDOC formulates biological opinion and makes recommendations within 60 days. If no adverse impacts are anticipated, consultation process ends.
3. If adverse impacts are expected, a meeting is held to discuss solutions.
4. a. The agency submits a letter accepting or rejecting recommendations offered by IDOC. Consultation process ends if agreement is reached.
b. IDOC has 10 days to respond if there is disagreement.
c. Consultation process ends and action proceeds.

I believe that it is important to establish deadlines that will ensure prompt attention by IDOC staff but that will not place unnecessary restraints on state and local units of government. I also believe that the time limits proposed afford IDOC staff adequate time to prepare necessary documentation and allows all parties concerned adequate time to evaluate and respond to issues raised.

If you have any questions or suggestions for other changes, please do not hesitate to contact me at 217-785-8290.

Sincerely,

Deanna Glosser

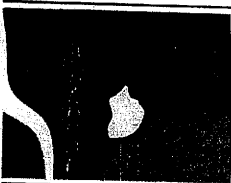
Deanna Glosser, Ph.D.
Endangered and Threatened Species
Program Manager

DG:lm

cc Jack Price

xc: J. Henriksen
S. Schmitz
C. Medvick
B. O'Leary ✓
P. Ehret

ILLINOIS



DEPARTMENT OF
**NATURAL
RESOURCES**

Illinois Department of
Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271

<http://dnr.state.il.us>

Pat Quinn, Governor

Marc Miller, Director

August 16, 2011

Tom Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

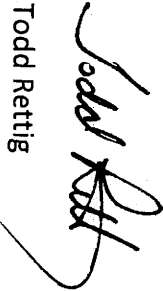
RE: Slim Lake Natural Area
August 11, 2011 letter

Dear Tom:

Thank you for your letter dated August 11 regarding IDNR activity involving Slim Lake Natural Area. I have been instructed to refer all such inquiries to Virginia Yang in our Office of Legal Counsel. I have provided her your August 11 letter.

If you have any other questions, please do not hesitate to contact me.

Sincerely yours,


Todd Rettig

Attachment D

Re: Agenda Items 155-15: Copies of the powerpoint overview of the Illinois List 5-year review process and schedule including information about legal requirements, individual species' status and distribution data and information that is being considered, and the process by which she and the Board were engaging advice of the ESPB technical expert consultants (ESPB TECs).

Illinois Endangered Species Protection Board

Required 5-year review and revision of the
Illinois List of Endangered and Threatened Species,
ending in 2014



ILLINOIS ENDANGERED SPECIES PROTECTION BOARD
One Natural Resources Way, Springfield, Illinois 62702 - 1271, (217) 785-8687; FAX (217) 785-2438

ESPB 2014 Illinois List review and revision

**E&T mammal list review with ESPB technical expert
consultants**

ESPB special meeting 08/10/12
Midewin National Tallgrass Prairie
Wilmington, IL



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ESPB 2014 Illinois List review and revision

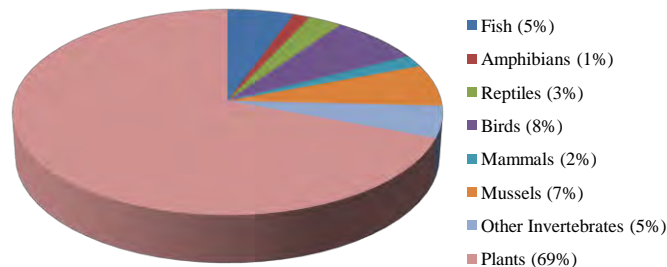
- Illinois Endangered Species Protection Act – 1972
- First Illinois List of Endangered and Threatened Species – 1981
- There have 6 revisions of the Illinois List (1984, 1989, 1994, 1999, 2004, 2009), the 2014 revision is the 7th
- 132 technical experts have assisted the ESPB with revisions to date – 2014 revision will bring that total to 146



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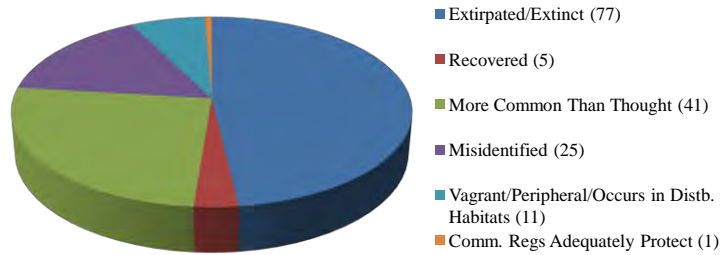
The ESPB has listed a total 644 species since the first Illinois List.



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The ESPB has delisted a total of 160 species since the first revision of the Illinois List.



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ESPB 2014 Illinois List review and revision

The current (2011) Illinois List includes 484 species.

	Endangered	Threatened	Totals
Fish	19	12	31
Amphibians	3	6	9
Reptiles	10	8	18
Birds	25	5	30
Mammals	5	4	9
Invertebrates	43	12	55
Total Animals	105	47	152
Plants	251	81	332
TOTALS	356	128	484

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ESPB 2014 Illinois List review and revision

The ESPA (520 ILCS 10/2) definitions "endangered" and "threatened" species:

"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.



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The ESPA (520 ILCS 10/7) also stipulates :

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.



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ESPB 2014 Illinois List review and revision

ESPB criteria for listing species as endangered or threatened on the Illinois List

- Species included in the Federal list of Endangered or Threatened species.
- Species proposed for Federal Endangered or Threatened status, which occur in Illinois.
- Species which formerly were widespread in Illinois, but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois.
- Species which exhibit very restricted geographic ranges of which Illinois is a part.
- Species which exhibit restricted habitats or low populations in Illinois.
- Species which are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range.



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ESPB 2014 Illinois List review and revision

ESPB criteria for delisting species from the Illinois List

- A peripheral species that presently occurs only in disturbed/non-native habitats in Illinois.
- A species now considered to be only a vagrant breeding species in Illinois.
- All native populations are now considered to be extirpated in Illinois.
- Illinois records for this species are now believed to be based on mis-identified specimens.
- Now known to be more common in Illinois than previously thought.
- Commercial fishing regulations determined by the Illinois Department of Natural Resources provide adequate protection for this species in Illinois.
- The species is now considered extinct.
- A species now considered to be recovered from endangerment or the threat of endangerment in Illinois.



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ESPB 2014 Illinois List review and revision

The Illinois List review and revision process:
(in compliance with the ESPA (520 ILCS 10/1) and the Illinois Administrative Procedures Act (5 ILCS 100/1))

1. The Board and its staff review and evaluate available data collected since the original and current List were generated. The Board is required to base listing decision on scientific evidence. When conducting the 5-year review and revision, the Board consults with its technical expert consultants (ESPB TECs).
2. Board staff compile and present recommendations for changes to the List (additions, deletions, or change in status from one category to another) at one or more Board meetings and the Board preliminarily approves a list of proposed changes.
3. The Board holds a public hearing for comments on the proposed changes to the List. The hearing record remains open for two weeks.
4. After considering public comments received, the Board makes final approval of changes at a subsequent meeting and submits the List to the IDNR.



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ESPB 2014 Illinois List review and revision

The Illinois List review and revision process (continued):
(in compliance with the ESPA (520 ILCS 10/1) and the Illinois Administrative Procedures Act (5 ILCS 100/1))

5. IDNR conducts an internal review of the List and submits Administrative Rule changes to the Secretary of State for publication in the Illinois Register and review by the Joint Committee on Administrative Rules (JCAR). This first notice for Administrative Rule changes to the List published in the Illinois Register includes a 45-day comment period.
6. If substantive comments are received during the 45-day comment period, the IDNR, with assistance from the Board, provides a response to comments to the JCAR.
7. JCAR approves the List at a regularly scheduled meeting of its committee.
8. Upon approval by JCAR, the IDNR submits the final Administrative Rule changes to the List to the Secretary of State for publication in the Illinois Register and the List becomes official.



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ESPB 2014 Illinois List review and revision

What are we considering in our review:

- The IDNR Natural Heritage (Biotics 4) Database is used as a primary source of information.
- Information reviewed for each species includes range in Illinois (present and historic), abundance in Illinois (total numbers, if known), number of known populations or locations where it occurs, number of these locations which are known to be protected from disturbance, the types of threats the species faces, and how fragile or sensitive the species is (species biology/ecology).
- For currently listed species, we aren't starting from scratch, but are reviewing whether there has been a change in status and distribution that warrants a change in listing status.



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Our process to date:

1. ESPB staff made request to IDNR ORC in January 2012 for recommendations supported by evidence for status changes for currently listed species and for addition of new species.
2. ESPB staff made request to ESPB TECs in March 2012 for recommendations supported by evidence for status changes for currently listed species and for addition of new species using designated form.
3. ESPB staff reviewed currently listed species against NH Database information and prepared a 1st cut list of recommended changes, including ESPB TEC and IDNR recommendations.
4. ESPB TECs reviewed and commented on ESPB staff 1st cut list.
5. ESPB staff and TECs present 1st cut list to Board for consideration.



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ESPB 2014 Illinois List review and revision

- Now we'll look at one currently listed species account as review of the information that has been considered.
- Then review currently listed species proposed for status change and any questions about those not proposed for status change.
- Then review species proposed for addition.



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ESPB 2014 Illinois List review and revision

Reminders:

- Because of the Board's designated process for selecting and utilizing expert consultants and requirements of the Open Meetings Act, any "meeting" of such experts needs to be conducted in a meeting open to the public.
- The current meeting satisfies that requirement, but please note that this is a business meeting of the Board that is open to the public and not a "public hearing".
- Only those individuals identified as presenters on the agenda will be recognized to participate in discussion. In the interest of time and to facilitate development of meeting minutes and the administrative record for the List review process, please keep discussion brief and focused.
- If members of the audience wish to address the Board on this agenda item, they may do so during the public comment period at the end of the meeting, by requesting to present their own agenda item at a subsequent Board meeting, or during the required public hearing that is part of the List review process and will be held at a time after the Board has confirmed preliminary approval for any changes to the List (currently anticipated for early 2014).



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ESPB 2014 Illinois List review and revision

So, before we move along.....

Any questions?



ILLINOIS ENDANGERED SPECIES PROTECTION BOARD
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Re: Agenda Items 155-15: Copy of the 2014 Illinois List Review: Staff recommendation for changes to the list of Illinois endangered and threatened mammals



ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

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Illinois Endangered Species Protection Board (ESPB) required 5-year review of the Illinois List of Endangered and Threatened Species (Illinois List) ending in 2014:

ESPB staff 1st cut recommendations for Mammals

Prepared by Anne Mankowski

1st draft of 1st cut 06/15/12, updated with editorial corrections 10/17/12

Final iteration of 1st cut recommendations that will be presented to the Board at the 08/10/12 meeting.

Contents:

(This is a compilation of otherwise stand-alone documents; I didn't spend a lot of time crafting, so it isn't pretty)

1. List of any recommendations and evidence from ESPB TECs and IDNR for species listing status change or additions to the Illinois List received prior to 1st draft of 1st cut recommendations (page 2).

ESPB TEC comments and evidence received by 06/29/12 deadline for review of 1st draft document and Mankowski comments are included in updated respective species individual reviews – for golden mouse, marsh rice rat, Eastern woodrat, and Eastern small-footed bat.

2. ESPB staff list of recommended changes from endangered to threatened, threatened to endangered, remove from endangered, remove from threatened, add as endangered, add as threatened, and species for which not change is recommended (page 3).
3. List of species under Federal review – implications to the Illinois List (page 3).
4. Table 1. Currently listed species – last observed, total occurrences, total seen since Jan 2002, # of protected occurrences, # of counties w/ occurrences, # of topographic quads w/ occurrences (page 4).
5. Table 2. Currently listed species – last observed element occurrences and counties with last observed occurrences for respective 5-year intervals ending in 2011 (page 4).
6. Currently listed species individual reviews (begins page 6) – each review includes:
 - a. Date of listing, reason for listing;
 - b. ESPB status and distribution publication species acct;
 - c. species data from Tables 1 and 2;
 - d. 1982-2011 5-year Element Occurrence trend graph;
 - e. 1992-2011 5-year Element Occurrence dot maps;
 - f. status review triggers (if any) and listing status change recommendation (if any); and
 - g. NatureServe conservation status, lower 48.
7. Recommendations for species to be added as endangered or threatened (if any) (begins page 39).
8. Illinois cave bat status discussion from the 149th meeting of the ESPB, February 25, 2011 (begins page 44).

List of any recommendations and evidence received from ESPB TECs and IDNR by 06/01/12 deadline for species listing status change or additions to the Illinois List and Mankowski notes.

1a. ESPB TECs recommendations

From: Heske, Edward J
Sent: Tuesday, May 29, 2012 10:43 AM
To: Mankowski, Anne
Subject: RE: ESPB TECs - process and schedule

...I think the main (only?) mammal issues are whether to de-list golden mice and marsh rice rats. I don't think we need add any new species to the list. I know some places are considering adding more bats because of WNS, but since they haven't been hit in Illinois yet, how do you list in anticipation of a problem?

1b. Mankowski notes on ESPB TECs recommendations

ESPB TEC recommendations were not accompanied by evidence.

ESPB staff are already reviewing all currently listed species against database records and other available studies/information (begins page 6). Occurrence data from other studies/information should be verified and entered into the IDNR Natural Heritage (Biotics 4) for consideration by the Board.

The Board considered the threat of WNS relative to the status of unlisted species of IL cave bats in February of 2011- no new information has been brought forward since then – see minutes and info from the 149th mtg, beginning page 43.

2a. IDNR Recommendations

From: Herkert, James
Sent: Saturday, June 02, 2012 12:49 PM
To: Mankowski, Anne
Subject: Mammal List Review

Golden Mouse: removal from the list, we can get you the supporting documents next week.

Rice Rat: remove from list; vast majority of supporting documentation exists, but we are short on a couple of criteria for triggers. Ongoing work should satisfy these criteria by 2014.

Eastern Woodrat: change status from endangered to threatened; should have supporting documentation this quarter or next. Many of the criteria for removal from list have been addressed, but all things considered (e.g., final report due in 2015), we think its prudent to cross that bridge during the next review process rather than this one.

Eastern small-footed bat; add to the list. Recent found in Illinois and it looks like the feds are moving towards listing this species.

2b. Mankowski notes on IDNR recommendations

IDNR recommendations were not accompanied by evidence.

ESPB staff are already reviewing all currently listed species against database records and other available studies/information (begins page 6). Occurrence data from other studies/information should be verified and entered into the IDNR Natural Heritage (Biotics 4) for consideration by the Board.

If data are submitted to and confirmed by the Database and such recommendation is resubmitted to Board staff during the timeframe of the current List review process, staff will (as time and resources allow) make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List.

ESPB staff developed brief review of Eastern small-footed bat based on information otherwise available (begins page 38).

ESPB staff listing status recommendations

Endangered to threatened: None

Threatened to endangered: None

Remove from endangered: None

Remove from threatened: None

Add as endangered: None

Add as threatened: None

* A species review is included for Eastern small-footed bat. ESPB staff do not recommend listing, but two ESPB TECs support listing.

No listing status change recommended: (data do not warrant change)

Canis lupus	Gray/timber Wolf
Corynorhinus rafinesquii	Rafinesque's Big-eared Bat
Myotis austroriparius	Southeastern Myotis
Myotis grisescens	Gray Bat
Myotis sodalis	Indiana Bat
Neotoma floridana	Eastern Wood Rat
Orchotomys nuttallii	Golden Mouse
Oryzomys palustris	Rice Rat
Spermophilus franklinii	Franklin's Ground Squirrel

Species under Federal review – implications to the Illinois List:

Myotis leibii, Eastern Small-footed Bat. USFWS action - not-warranted 12-month finding or proposed listing/critical habitat rule determination scheduled by end of FFY2013 (September 2013). Not currently listed in Illinois. (see ESPB species review via listing nomination form prepared by Mankowski, begins page 39).

Myotis septentrionalis, Northern Long-eared Bat. USFWS action - not-warranted 12-month finding or proposed listing/critical habitat rule determination scheduled by end of FFY2013 (September 2013). Not currently listed in Illinois.

Myotis lucifugus, Little Brown Bat. USFWS action - Proactive information request with comment closing date of August 29, 2011. Not currently listed in Illinois.

Eptesicus fuscus, Big Brown Bat. USFWS action - Proactive information request with comment closing date of August 29, 2011. Not currently listed in Illinois.

Pipistrellus subflavus, Tri-colored Bat (Eastern Pipistrelle). USFWS action - Proactive information request with comment closing date of August 29, 2011. Not currently listed in Illinois.

Myotis austroriparius, Southeastern Myotis. USFWS action - Proactive information request with comment closing date of August 29, 2011. Currently Illinois endangered.

Table1. Currently listed species – last observed, total occurrences, total seen since Jan 2002, # of protected occurrences, # of topographic quads with occurrences (Illinois Natural Heritage Biotics 4 Database).

SCIENTIFIC_NAME	COMMON_NAME	Current Status	Last Observation	Total # Eos	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
Canis lupus	Gray/timber Wolf	T**	2011-11-19	5	5	5	0	7
Corynorhinus rafinesquii	Rafinesque's Big-eared Bat	E	2010-09-03	9	5	4	1	8
Myotis austroriparius	Southeastern Myotis	E	2012-02-29	19	14	7	2	14
Myotis grisescens	Gray Bat	E**	2012-02-29	13	6	5	5	14
Myotis sodalis	Indiana Bat	E**	2012-02-29	67	35	22	5	70
Neotoma floridana	Eastern Wood Rat	E	2011	3	1	2	1	3
Ochrotomys nuttalli	Golden Mouse	T	2008-10	34	16	8	4	30
Oryzomys palustris	Rice Rat	T	2011-03-05	37	22	10	3	34
Spermophilus franklinii	Franklin's Ground Squirrel	T	2010-06-22	25	19	12	3	26

Table 2. Currently listed species –last observed element occurrences and counties with last observed occurrences for respective 5-year intervals ending in 2011 (some 2012 data also) (Illinois Natural Heritage Biotics 4 Database). Note – last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.

SCIENTIFIC_NAME	COMMON_NAME	Last obs EO 1982-1986	Last obs EO 1987-1991	Last obs EO 1992-1996	Last obs EO 1997-2001	Last obs EO 2002-2006	Last obs EO 2007-2011	Last obs EO 2012	# Cos with last obs EOs from 1982-1986	# Cos with last obs EOs from 1987-1991	# Cos with last obs EOs from 1992-1996	# Cos with last obs EOs from 1997-2001	# Cos with last obs EOs from 2002-2006	# Cos with last obs EOs from 2007-2011	# Cos with last obs EOs from 2012
Canis lupus	Gray/timber Wolf					3	2						3	2	
Corynorhinus rafinesquii	Rafinesque's Big-eared Bat		0	2	2	1	4			0	2	2	1	3	
Myotis austroriparius	Southeastern Myotis		3	2	0	5	6	3		2	3	0	3	5	3
Myotis grisescens	Gray Bat	1	3	0	3	1	3	2	1	4	0	3	1	3	2
Myotis sodalis	Indiana Bat	5	14	6	3	12	21	2	3	10	5	3	8	18	2
Neotoma floridana	Eastern Wood Rat	0	0	1	0	0	1		0	0	1	0	0	2	
Ochrotomys nuttalli	Golden Mouse	3	5	5	3	2	14		3	5	4	3	1	8	
Oryzomys palustris	Rice Rat	1	6	0	8	2	20		1	5	0	5	2	7	
Spermophilus franklinii	Franklin's Ground Squirrel	1	0	0	1	7	12		1	0	0	1	5	9	

Currently listed species individual reviews (begins page 6) – each review includes:

- a. Date of listing, reason for listing;
- b. ESPB status and distribution publication species acct;
- c. species data from Tables 1 and 2;
- d. 1982-2011 5-year last observed Element Occurrence trend graph;
- e. 1992-2011 5-year last observed Element Occurrence dot maps;
- f. status review triggers (if any) and listing status change recommendation (if any); and
- g. NatureServe conservation status, lower 48.

Canis lupus	Gray/timber Wolf	pg. 6
Corynorhinus rafinesquii	Rafinesque’s Big-eared Bat	pg. 9
Myotis austroriparius	Southeastern Myotis	pg. 12
Myotis grisescens	Gray Bat	pg. 15
Myotis sodalis	Indiana Bat	pg. 18
Neotoma floridana	Eastern Wood Rat	pg. 21
Orchotomys nuttallii	Golden Mouse	pg. 25
Oryzomys palustris	Rice Rat	pg. 31
Spermophilus franklinii	Franklin’s Ground Squirrel	pg. 36

Species review for species under consideration for listing:

Myotis leibii	Eastern small-footed bat	pg. 39
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Gray Wolf, *Canis lupus* (Illinois threatened, Federally-endangered)

Listed as IL T, 04/01/2003; Listed as Fed E, 1977

(should have been IL listed in 1977, was added in 2004 following 4/1/2003 Fed action)

Reason for IL listing: designated or proposed as federally endangered or threatened.

Canis lupus Linnaeus

GRAY/TIMBER WOLF

CANIDAE

Status: Threatened in Illinois
Federally Endangered



Present Distribution: Throughout the 20th Century, wolves have not been documented in Illinois. Currently, more than 2,000 wolves live in the wild in Minnesota, with several hundred animals in Michigan, Wisconsin, and the Rocky Mountains of Montana, Idaho, and Wyoming. In Alaska, wolf populations number around 7,000 and are not considered endangered or threatened. In December, 2002 a wolf originating from the Great Lakes pack (either in Minnesota, Wisconsin, or Michigan) was shot and killed in Marshall County, Illinois. In July, 2003 a wolf originating from northern Wisconsin was found dead in an eastern Indiana soybean field (Randolph County, Indiana). This animal traveled through Illinois (greater metropolitan Chicago) before being recovered in Indiana.

Former Illinois Distribution: The gray wolf was once abundant and widespread throughout Illinois. Shortly after their arrival in Illinois, pioneers set about the task of "taming the wilderness". Destroying wolves was considered a moral duty necessary to make the wilderness fit for civilization. The last known record of self-sustaining wolf population(s) in Illinois is from Jackson County in 1889 (McClain *et al.* 2002).

Habitat: Substantial populations of the gray wolf still exist throughout most of Canada and Alaska. In the Midwest, pack numbers continue to grow throughout northern Minnesota, Wisconsin, and Michigan. Throughout its range, wolves occupy diverse habitats, including forests, prairies, tundra, and mountains. The two habitat factors for wolves appear to be an abundance of large game and minimal interference from humans (Kurta 1995).

Reason for Status: The final federal reclassification of the gray/timber wolf was published in the Federal Register on April 1, 2003. This reclassification established three (3) distinct population segments, whereby USFWS Region 3 (which includes Illinois) is entirely within the Eastern Gray Wolf Distinct Population Segment, where all wolves are threatened. Under Illinois' Endangered Species Protection Act states that all species classified as threatened or endangered by the USFWS are automatically placed on the State list.

Management Recommendations: Most biologists believe any wolves wandering into Illinois now, or in the future, will be young adults dispersing from packs, looking to establish their own territory. Chances for a self-sustaining, breeding wolf population in Illinois are highly unlikely given our abundance of roads and our highly fragmented, agriculturally dominant landscape. There is no record of an attack and death of a person caused by healthy wolves on the entire North American continent. The small number of cases involving injuries from wolves are those involving animals accustomed to being fed by humans.

KEY

The narrative for each species is accompanied by a map of Illinois with county outlines shown. Counties from which the species is known to occur are shown as a solid circle; county records which may no longer be extant are shown as an open circle. An example of a species treatment is as follows:

Citation: Njboer, R.W., J.R. Herkert, and J.E. Ebinger, editors. 2006. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 2 - Animals. Illinois Endangered Species Protection Board, Springfield, Illinois. 181 pp.

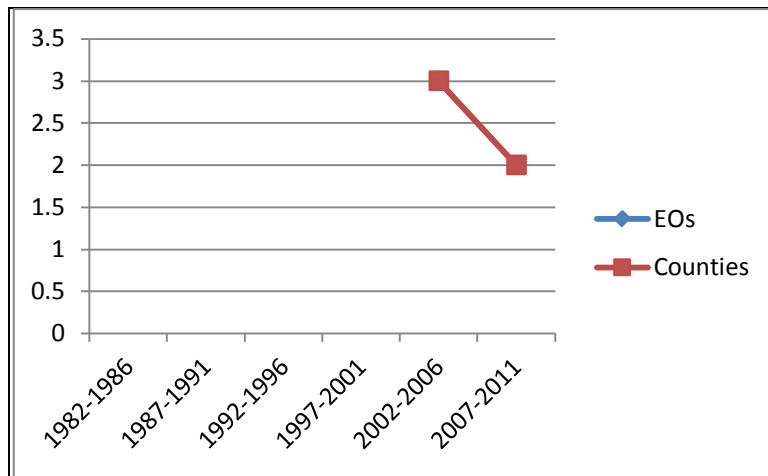
Gray Wolf, *Canis lupus* (Illinois threatened, Federally-endangered)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
11/19/2011	5	5	5	0	7

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011
Las obs EOs					3	2
Counties					3	2



Last observed element occurrences locations for respective time periods and all.
No data until 2002-2006 period.



2002-2006

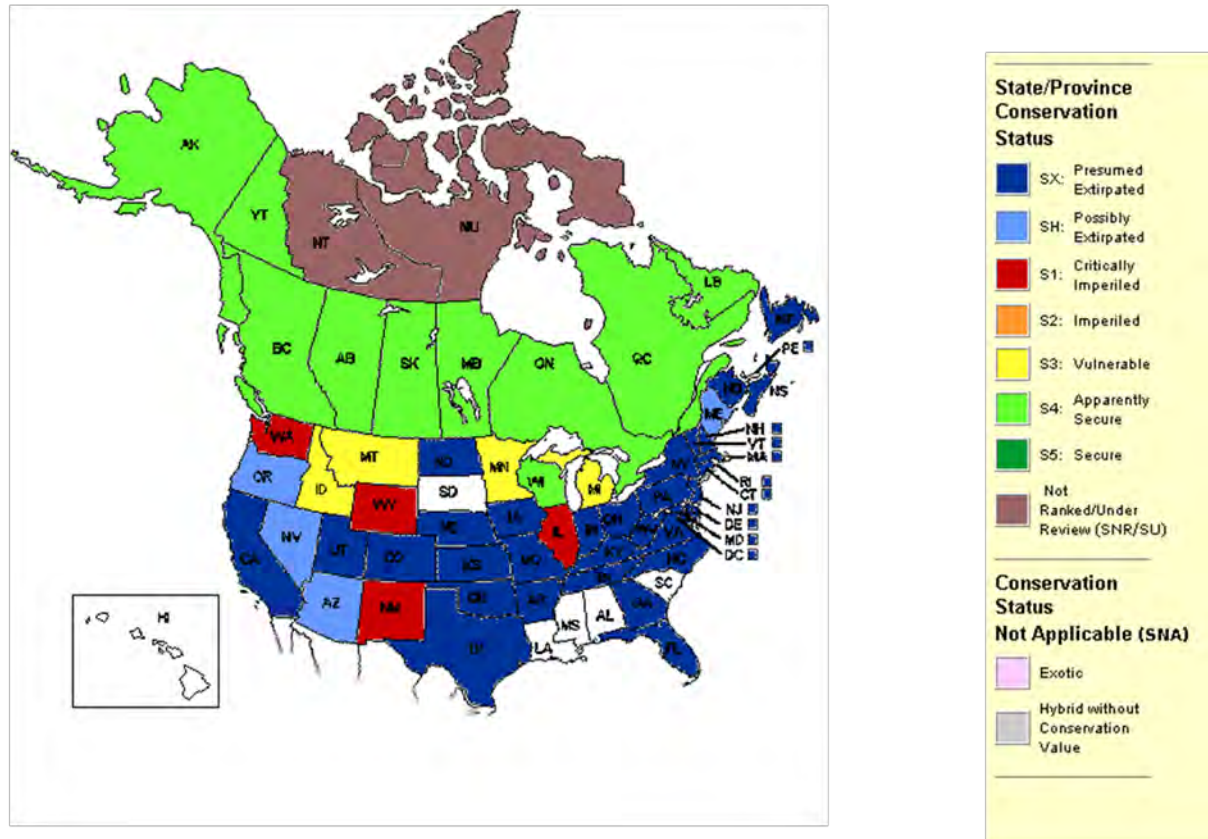


2007-2011



All

Canis lupus



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Rafineque's big-eared bat, *Corynorhinus rafinesquii* (Illinois endangered)

Listed as IL E, 03/17/1989

Reason for listing: restricted habitats or low pops in IL

Corynorhinus rafinesquii (Lesson)

RAFINESQUE'S
BIG-EARED BAT

VESPERTILIONIDAE

Status: Endangered in Illinois



Present Distribution: Rafinesque's big-eared bats are primarily known from southeastern United States. A small, but distinct population protrusion parallels the Wabash River Valley into southern Indiana and Illinois. Existing at the northern edge of its range in Illinois, this bat has only been recorded from Alexander, Jackson, Johnson, Pulaski, and Union counties. A single record of an anomalous migrant from Wabash County, near Mt. Carmel, Illinois exists (Elder 1945).

Former Illinois Distribution: In the early 1900s, this species was not known to occur in Illinois (Cory 1912). Of the sparse Illinois records, the largest numbers of big-eared bats are from a summer colony discovered in the downstairs room of an abandoned hunting cabin in Johnson County in 1977. This population peaked at 48 bats in 1983 and fell to zero by 1999. Similarly, a 1991 survey of an abandoned hunting cabin in Alexander County yielded 20 bats. No bats were present when the cabin was surveyed in 1999 (Kath 2000).

Habitat: Rafinesque's big-eared bats roost in unoccupied buildings and other man-made structures as well as trees and caves (Jones 1977). In winter this species has been encountered in Illinois silica sand mines and caves in Alexander, Jackson, Johnson, and Union counties (Hoffmeister 1989, Kath 2002). These bats are quite tolerant of temperature extremes as evidenced by the frequency at which hibernating individuals are found as singles often within 30 m of the cave/mine entrance (Mumford and Whitaker 1982). Unlike most Illinois' bat species, big-eared bats arouse from hibernation easily and even become active and fly outside their hibernaculum during the winter (Hoffmeister 1989).

Reason For Status: This species has been documented in the state from only four locations in the last 15 years. Most occurrences are from the Little Black Slough area in Johnson County.

Management Recommendations: More detailed information of the status and distribution of this species within Illinois is needed. Presently, the prime recovery objective for this species is to preserve and protect structures (both natural and man-made) used at any time of year by the big-eared bat. Such structures have a strong chance of being re-colonized, if properly restored and protected.

Note: This species was referred to as *Plecotus rafinesquii* in earlier editions of this work (Herkert 1992).

KEY

The narrative for each species is accompanied by a map of Illinois with county outlines shown. Counties from which the species is known to occur are shown as a solid circle; county records which may no longer be extant are shown as an open circle. An example of a species treatment is as follows:

Nyboer, R.W., J.R. Herkert, and J.E. Ebinger, editors. 2006. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 2 - Animals. Illinois Endangered Species Protection Board, Springfield, Illinois. 181 pp.

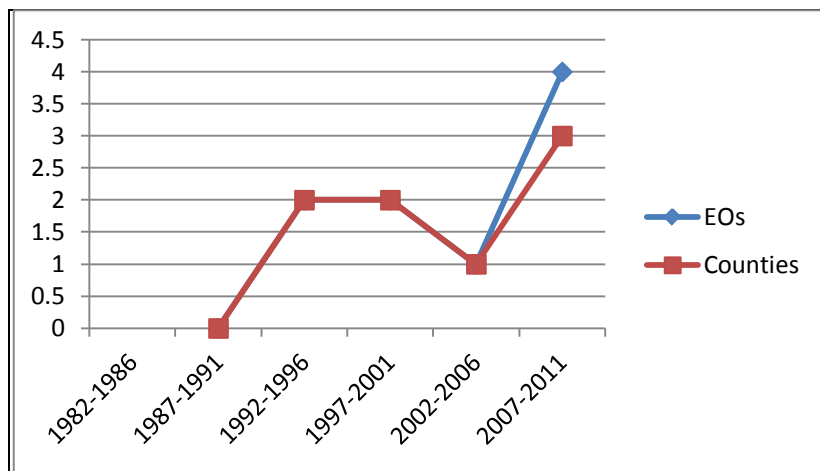
Rafinesque's big-eared bat, *Corynorhinus rafinesquii* (Illinois endangered)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

Last observed	Total # EOs	Total seen since Jan 2002	# counties	# protected occurrences	# topo quads
09/03/2010	9	5	4	1	8

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011
Last obs EOs		0	2	2	1	4
Counties		0	2	2	1	3



Last observed element occurrences locations for respective time periods and all.



1992-1996



1997-2001



2002-2006

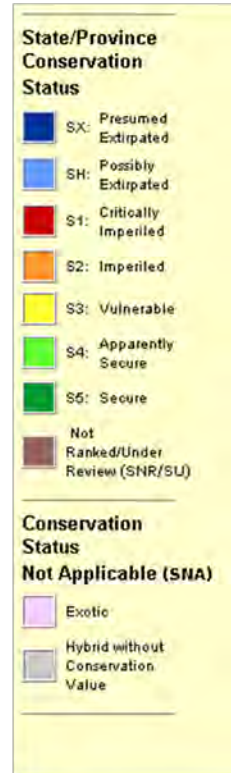


2007-2011



All

Corynorhinus rafinesquii



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Southeastern myotis, *Myotis austroriparius* (Illinois endangered)

Listed as IL E, 03/17/1989

Reason for listing: restricted habitats or low pops in IL

***Myotis austroriparius* (Rhoads)**

SOUTHEASTERN MYOTIS

VESPERTILIONIDAE

Status: Endangered in Illinois



Present Distribution: The southeastern myotis occurs in the southeastern United States including parts of Florida, Georgia, Alabama, Louisiana, Mississippi, North and South Carolina, Tennessee, Kentucky, and Arkansas. A prominent northern population protrusion follows the Mississippi River into extreme southern Illinois and Indiana. There are recent records for this species from six Illinois counties (Alexander, Hardin, Johnson, Massac, Pope and Pulaski). Winter surveys from 1997 through 1999 have revealed small populations (15-25 bats) of hibernating southeastern myotis from one cave in Pope County and one cave in Hardin County (Kath 1999b).

Former Illinois Distribution: Between 1950-1975 the southeastern myotis was reported from Alexander, Hardin, Johnson, and Union counties (Hoffmeister 1989). Extensive summer mist netting efforts at 55 sites scattered throughout the 11 southernmost Illinois counties were conducted from 1984 through 1991. A total of 68 southeastern myotis were captured at three of the 55 sites (one site each in Alexander, Pope and Pulaski counties)(Hofmann *et al.* 1999).

Habitat: Within Illinois, the southeastern myotis occupies caves, mines, and mature forested wetlands (Gardner *et al.* 1992). Summer roosts are usually near water over which they forage (Hoffmeister 1989), and winter hibernacula are generally in caves. The southeastern myotis is often found in caves supporting large populations of the more common eastern pipistrelle bat (*Pipistrellus subflavus*). These animals exhibit an affinity for roost sites in dry portions of caves (Barbour and Davis 1974). Gardner *et al.* (1992) discovered the first maternity colony north of Louisiana and Florida roosting in a hollow tree in Little Black Slough in Johnson County (Hofmann *et al.* 1999). In Illinois, Hofmann *et al.* (2002)

were the first to document southeastern myotis maternity colonies using a cave in Pope County, and an abandoned silica mine in Alexander County.

Reason For Status: The southeastern myotis has a very restricted distribution in Illinois. Its long nightly flights from its roost to forage (recorded to be greater than 6 km in southern Illinois), and its infrequent capture in mist nets during the summer makes this species very difficult to study. Range-wide, the single most serious case of decline in southeastern bat populations continues to be human destruction of roosts and the bats themselves.

Management Recommendations: Protection of wetland and cave habitat known to be used by this species is the greatest management need. Protection efforts must be concentrated during periods of residence. Specifically, disturbance at maternity caves/mines should be avoided from April 1 through August 31; disturbance at hibernacula should be avoided between September 1 and April 30.

KEY

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Nyboer, R.W., J.R. Herkert, and J.E. Ebinger, editors. 2006. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 2 - Animals. Illinois Endangered Species Protection Board, Springfield, Illinois. 181 pp.

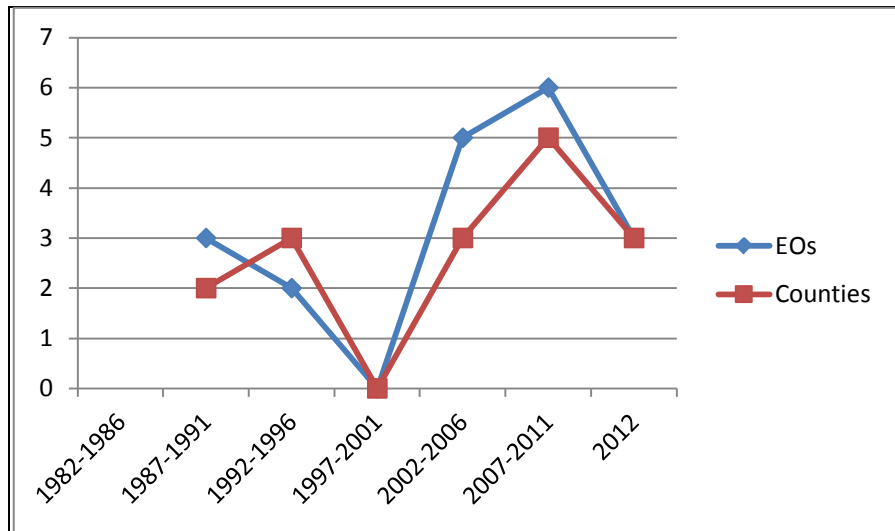
Southeastern myotis, *Myotis austroriparius* (Illinois endangered)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

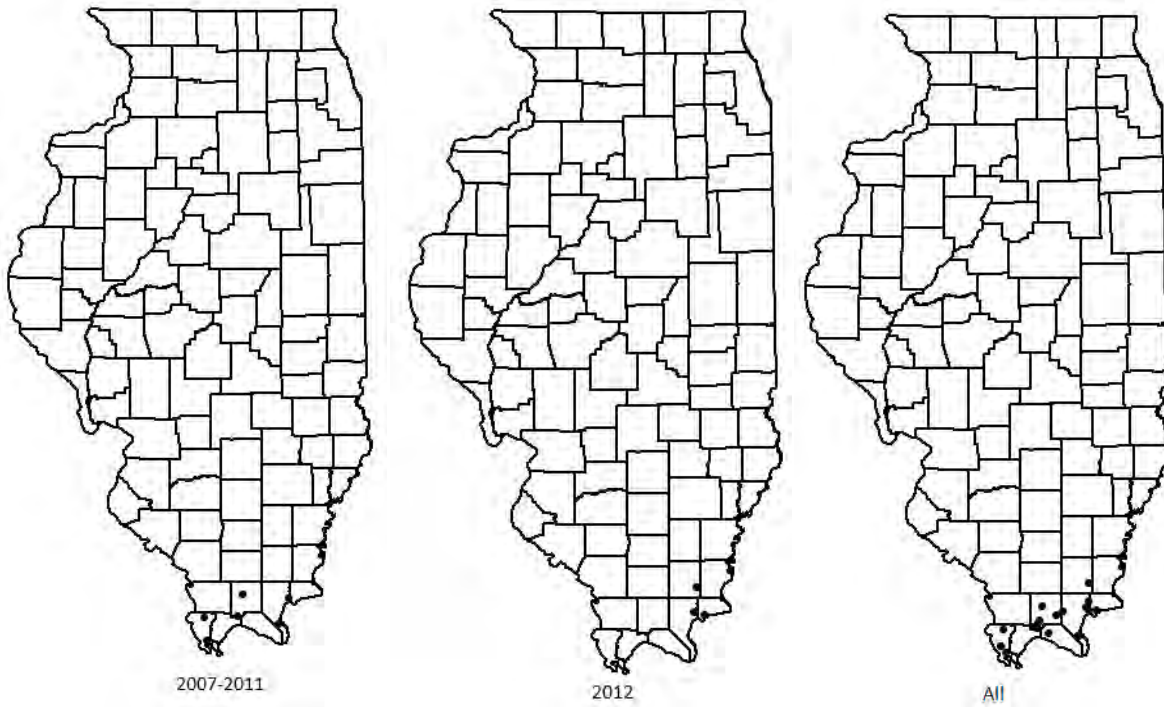
Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
2/29/2012	19	14	7	2	14

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011	2012
Last obs EOs		3	2	0	5	6	3
Counties		2	3	0	3	5	3

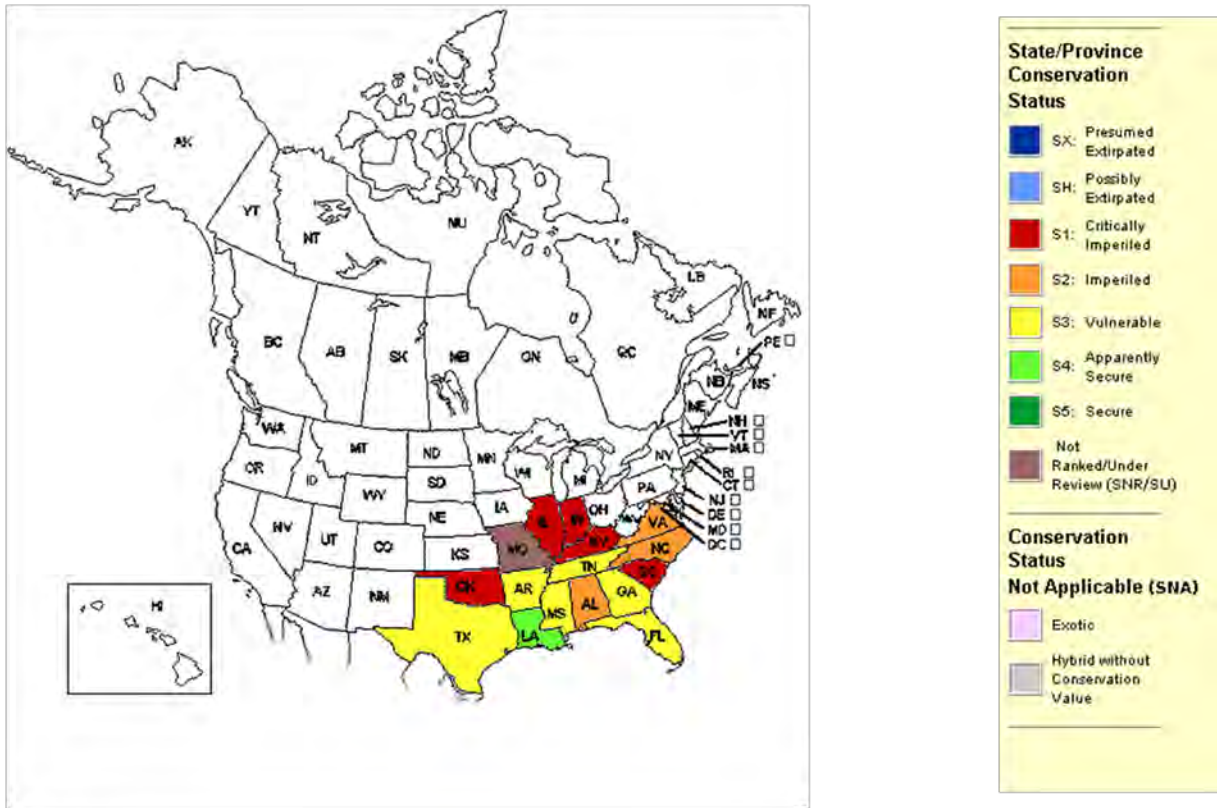


Last observed element occurrences locations for respective time periods and all.





Myotis austroriparius



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Gray bat, *Myotis grisescens* (Illinois endangered, Federally endangered)

Listed as IL E, 12/31/1977; Fed E 1976

Reason for listing: designated as federally endangered; restricted habitats or low pops in IL

***Myotis grisescens* A.H. Howell**

GRAY BAT

VESPERTILIONIDAE

Status: Endangered in Illinois
Federally Endangered



Present Distribution: The range of this species extends from eastern Kentucky and Tennessee to western Missouri and northeastern Oklahoma, extending in the east through Alabama to northwestern Florida. In Illinois, gray bats are known from 11 counties in the extreme southern and west-central parts of the state. Recent winter surveys by Illinois Department of Natural Resources staff (1997-2002) did not reveal any gray bats (Kath 1999a). Small summer populations have recently (2000, 2002) been discovered using two caves in Monroe County and one in Hardin County.

Former Illinois Distribution : Although probably never common or widely distributed in Illinois, the population has drastically decreased from 10,000 animals in the mid-1960s to 1,000 to 2,000 in 1975. A large majority of this population, and the subsequent decline, occurred at the Cave Spring Cave in Hardin County (Whitaker 1975).

Habitat: Of any North American mammal, gray bats are the most restricted to cave habitats. These animals roost, raise their young, and hibernate almost exclusively in caves (Hoffmeister 1989). Consistent winter temperatures ranging from 42 to 52 degrees F must be present in order for this species to survive. Given their strict torpor requirements, approximately 95% of the entire known population hibernates in 10-12 caves each winter, with over 50% utilizing a single cave in northern Alabama. Summer caves, especially those used by maternity colonies, must act as warm air traps or provide isolated caverns and/or domed ceilings capable of trapping the body heat from clustered individuals. Temperatures typically range from 57 to 77 degrees F in caves used by gray bats during the summer (Tuttle 1976a). Foraging is almost exclusively over rivers, streams, and lakes within 1 km of their caves (Tuttle 1976b, LaVal *et al.* 1977).

Reason For Status: The alarming decline in the number of gray bats is due to increased human disturbance and vandalism to colonies in both their winter and summer caves (Skaggs 1973, Barbour and Davis 1974, Tuttle 1979). In addition, exclusion from hibernacula by blockage of entrances (naturally occurring or human induced), improperly constructed bat gates that do not allow for bat flight and/or proper air flow, and pesticide poisoning of insect prey continue to be major documented causes of gray bat declines (Clark *et al.* 1978, 1983). This species is intolerant of human disturbance and even a moderate level of human activity can exclude gray bats from a suitable cavern.

Management Recommendations: All Illinois colonies should be censused regularly to monitor population trends. Entry into maternity caves should be strictly prohibited. Entry into other caverns known to be used by gray bats should be restricted, especially from March through October. Since the majority of the population utilizes relatively few caves nationwide, protection of these sites has significantly aided gray bat recovery. Several caves outside of Illinois have had spectacular increases in gray bats due to proper gating and educational signs. In some cases, protecting caves that have been abandoned has resulted in re-occupation.

KEY

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Nyboer, R.W., J.R. Herkert, and J.E. Ebinger, editors. 2006. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 2 - Animals. Illinois Endangered Species Protection Board, Springfield, Illinois. 181 pp.

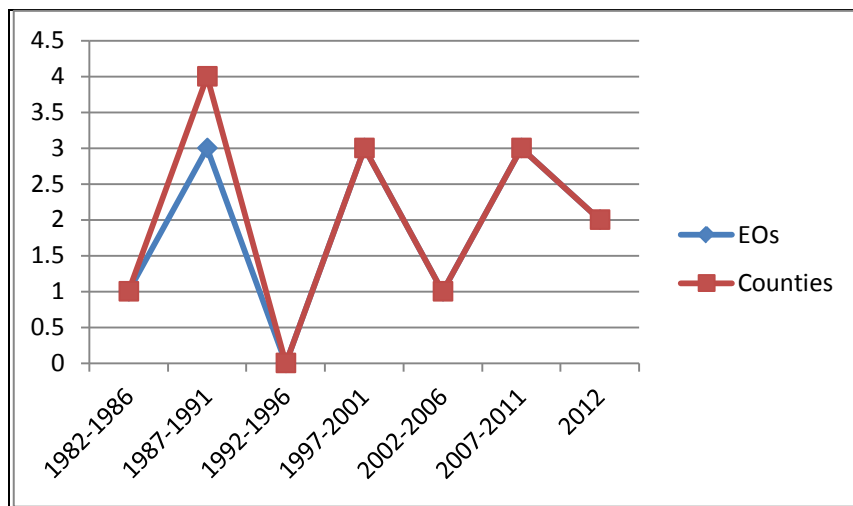
Gray bat, *Myotis grisescens* (Illinois endangered, Federally endangered)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

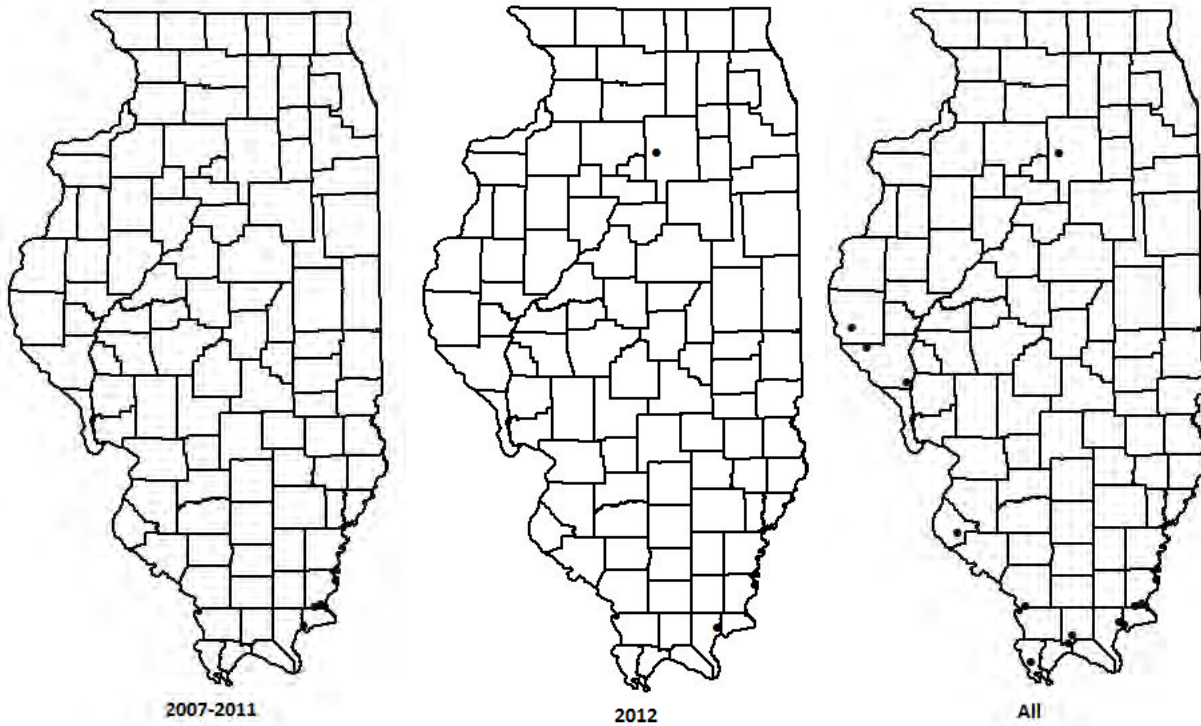
Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
2/29/2012	13	6	5	5	14

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011	2012
Last obs EOs	1	3	0	3	1	3	2
Counties	1	4	0	3	1	3	2

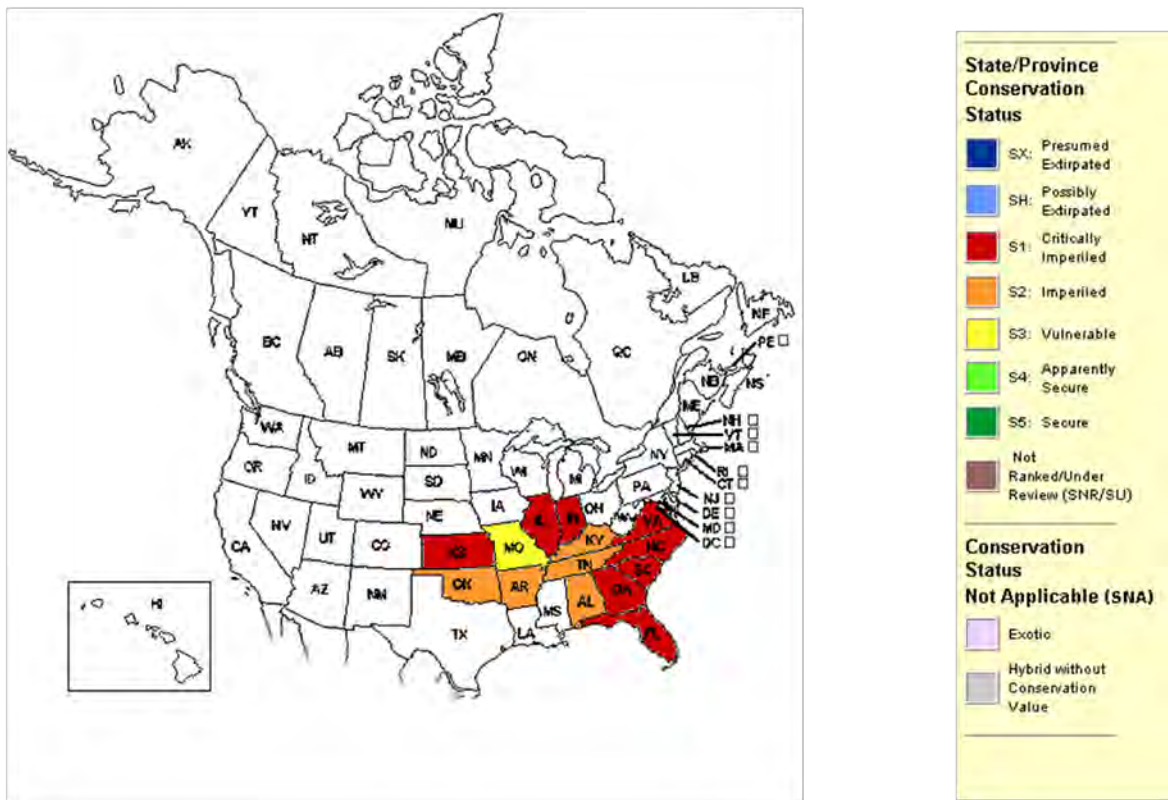


Last observed element occurrences locations for respective time periods and all.





Myotis grisescens



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Indiana bat, *Myotis sodalis* (Illinois endangered, Federally endangered)

Listed as IL E, 12/31/1977; Fed E 1967

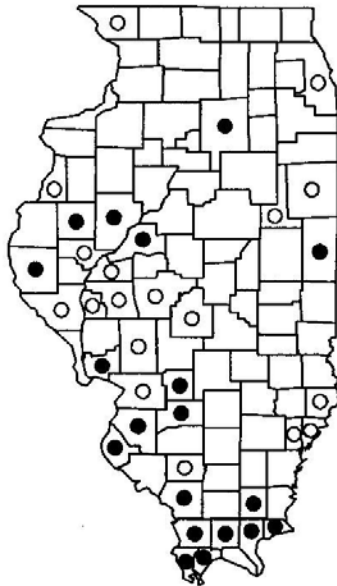
Reason for listing: designated as federally endangered; restricted habitats or low pops in IL

***Myotis sodalis* Miller & Allen**

INDIANA BAT

VESPERTILIONIDAE

Status: Endangered in Illinois
Federally Endangered



Present Distribution: The Indiana bat has been found in 27 states throughout much of the eastern United States. These bats occur from western Oklahoma north to Iowa and Michigan, east to New Hampshire, and south to northern Florida. During fall and winter, more than 90% of the total population hibernates in a few large caves in Indiana, Illinois, Kentucky, and Missouri. Investigations have found evidence of summer breeding populations from 18 Illinois counties (Gardner *et al.* 1996, Kath 2002). Based upon the most recent survey information, populations appear to be increasing in Illinois. The estimated Indiana bat winter population for Illinois is currently between 16,500 and 19,500 animals (Kath 2002).

Former Illinois Distribution: In Illinois, early records (prior to 1970) of Indiana bats were specimens collected during hibernation from caves in southern (Union and Hardin) and western (Pike and Madison) counties, and abandoned mines in Jo Daviess and LaSalle counties. Prior to 1985, summer records of reproductively active female or juvenile Indiana bats were documented only for Jackson, Perry (Kirkpatrick 1980), Pike (Gardner and Gardner 1980, Clark and Clark 1987), Union (Brack 1979), and the border of Wabash and Edwards counties (Kessler and Turner 1980).

Habitat: Winter habitat consists of caves and mines where individuals hibernate in characteristic dense clusters (up to 3,200 bats/m²). Summer roosts usually are located beneath the exfoliated bark of dead trees, although roosts are sometimes common within cavities and under the bark of living trees (Gardner *et al.* 1990, 1991). These animals may travel up to 2.5 km between roosting and foraging areas. Indiana bats

forage and fly within an air space ranging from 2 to 30 m above ground level (Humphrey *et al.* 1977). Most Indiana bats caught in mist nets are captured over streams and other flyways at heights greater than 2 m (Gardner *et al.* 1989).

Reason For Status: Based on censuses taken at hibernacula over the entire range of this animals, the total known Indiana bat population was estimated at approximately 353,000 bats in 1995-1997. This represents a decline of about 60% since population surveys began in the 1960s (USFWS 1999). Although several known human related factors have caused past declines, they do not appear to account for the declines now being witnessed (USFWS 1999). Documented causes of decline include vandalism and commercialism of caves and natural catastrophes such as flooding and/or collapse.

Management Recommendations: Management of hibernacula should continue, including restricted entry (especially while bats are hibernating) and the elimination of activities destructive to caves. Caves/mines with hibernating Indiana bats should not be entered between September 1 and April 30. Riparian and upland forest tracts and active roost trees in areas used by Indiana bats should be conserved as much as possible (Kath 1999c).

KEY

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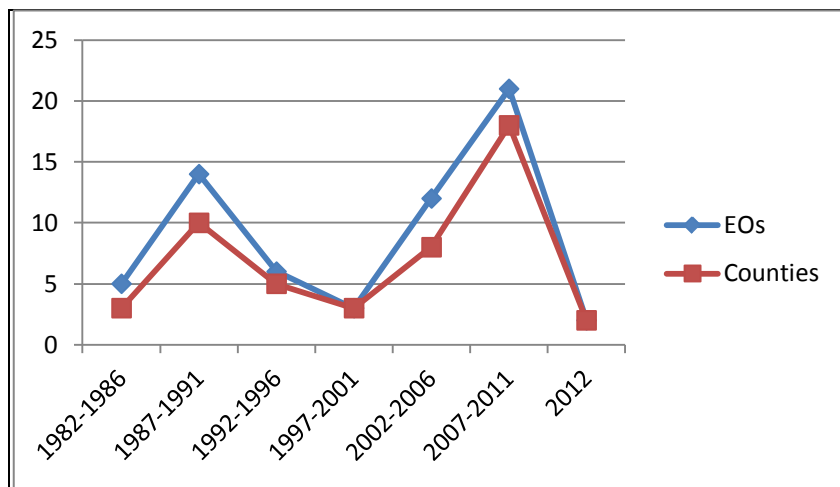
Indiana bat, *Myotis sodalis* (Illinois endangered, Federally endangered)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

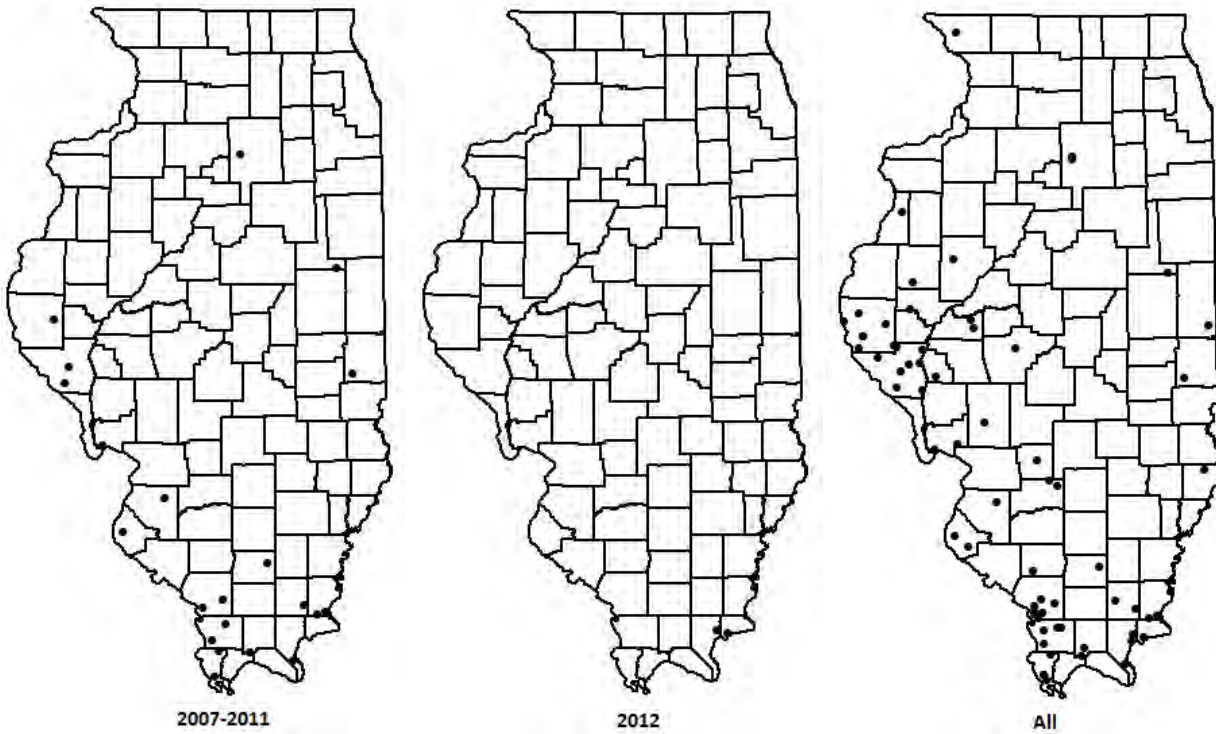
Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
2/29/2012	67	35	22	5	70

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011	2012
Last obs EOs	5	14	6	3	12	21	2
Counties	3	10	5	3	8	18	2

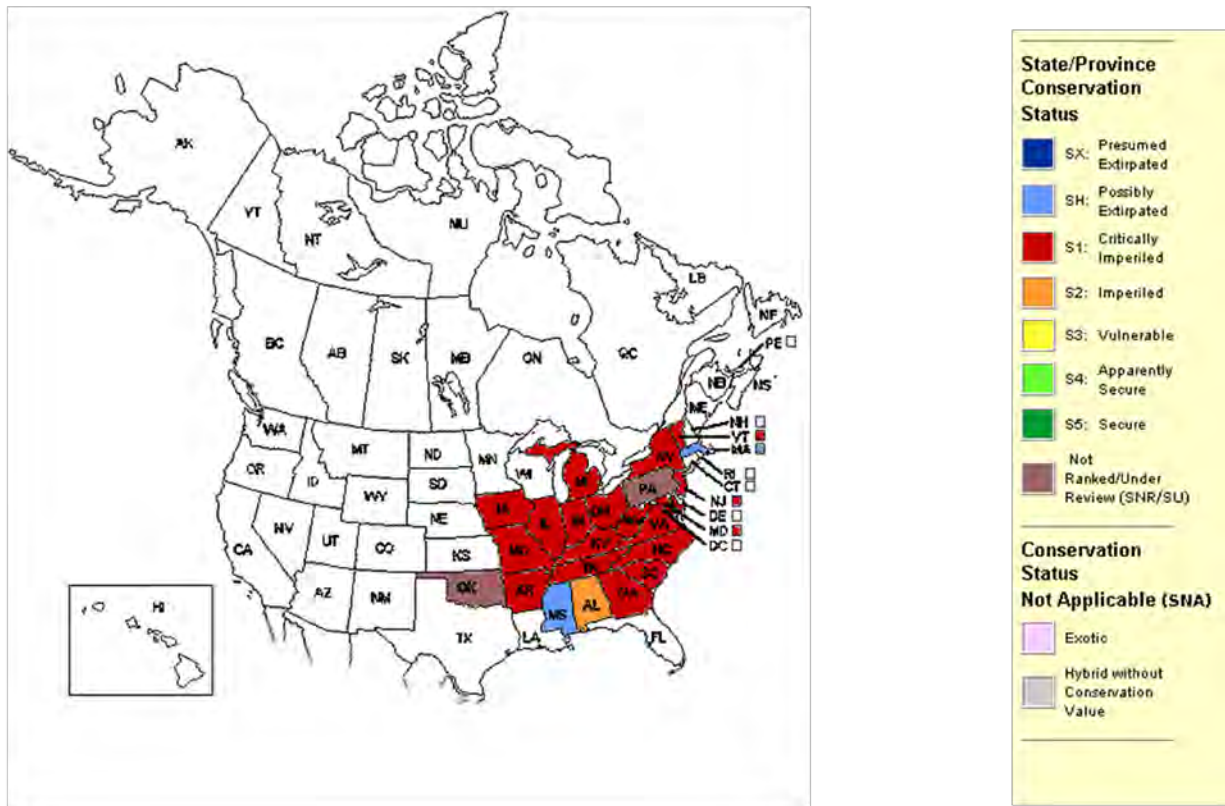


Last observed element occurrences locations for respective time periods and all.





Myotis sodalis



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Eastern wood rat, *Neotoma floridana* (Illinois endangered)

Listed as IL E, 12/31/1977

Reason for listing: restricted habitats or low pops in IL;

***Neotoma floridana* (Ord)**

EASTERN WOODRAT

MURIDAE

Status: Endangered in Illinois



Present Distribution: Eastern woodrats occur across much of the southeastern and south-central United States (Hall 1981). The subspecies *Neotoma floridana illinoensis* occurs in extreme southern Illinois, southeastern Missouri, western Kentucky, and Tennessee, eastern Arkansas, most of Mississippi and Alabama, and the panhandle of Florida (Schwartz and Odum 1957, Wiley 1980, Hall 1981). Sites occupied by woodrats in southern Illinois are isolated from the nearest known populations 75 miles to the west in Missouri and 85 miles to the south in Tennessee (Nawrot and Spitzkeit 1986). The largest and most persistent population in Illinois occurs at Pine Hills in Union County (Swayne 1949, Crim 1961, Nawrot 1974, West 1986, Wagle 1996, Monty 1997). Smaller populations occur at Fountain Bluff, Horseshoe Bluff, Little Grand Canyon, and Cripps Bend in Jackson County (Monty *et al.* 1995, Wagle 1996, Monty 1997).

Former Illinois Distribution: Skeletal remains establish a prehistoric (c.a. 8500-1500 BC) distribution which included portions of Randolph and Monroe counties (Parmalee 1959, Parmalee *et al.* 1961), 65 miles north of where woodrats now exist in Illinois. Nawrot and Klimstra (1976) found direct evidence of past habitation by woodrats at 24 sites in Jackson, Union, Johnson, Pope, Gallatin, and Hardin counties. Nawrot (1974) listed 40 sites in Jackson, Union, Williamson, Johnson, Saline, Pope, Gallatin, and Hardin counties that seemed to offer suitable habitat, but provided no direct evidence of past habitation.

Habitat: In Illinois, nearly all records of this species are from limestone bluffs of the Mississippi River and sandstone outcrops in the Shawnee Hills (Nawrot and Klimstra 1976). The eastern woodrat is primarily a nocturnal woodland species that builds large "houses" of twigs and sticks about 1 m in diameter and 1 m high. These shelters are usually found in rock crevices, on ledges, or in piles of rock at the bases of bluffs. During August through October, woodrats collect and store food items for consumption during winter (Crim 1961). Hickory nuts, acorns, and legumes from honey locust, black locust and Kentucky coffee trees are important foods (Wagle and Felhamer 1997).

Reason For Status: Illinois occurs at the extreme northern edge of this species' range. Nawrot and Klimstra (1976) speculated unusually harsh winters during 1912 and 1918 caused a large decline in numbers of woodrats at Pine Hills and extirpation of colonies in the Shawnee Hills.

Management Recommendations: The recovery plan for this species calls for translocations from nearby states to re-establish woodrat populations at unoccupied sites where colonies existed historically, link existing populations with newly established colonies in the Shawnee Hills, and improve genetic heterogeneity of Illinois' isolated populations (Bluett *et al.* 2002). The recovery plan also advocates establishment of a long-term monitoring program and encourages use of silvicultural practices that promote regeneration of oak-hickory forests near sites occupied by woodrats (Bluett *et al.* 2002).

KEY

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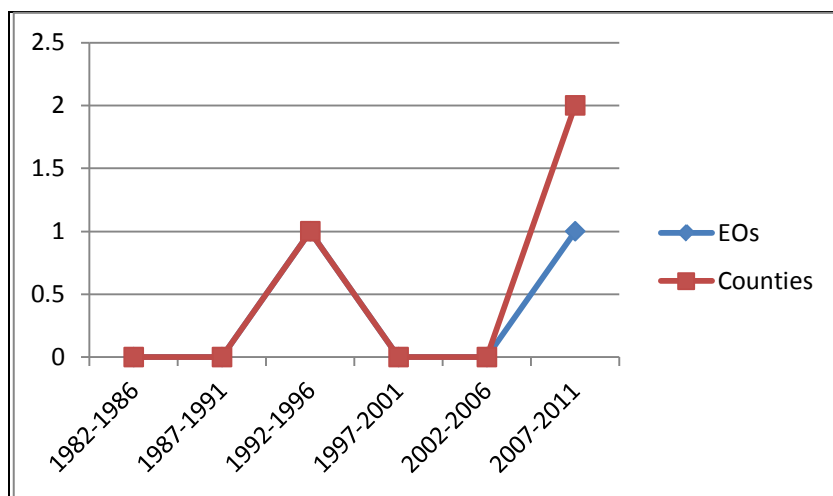
Eastern wood rat, *Neotoma floridana* (Illinois endangered)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
2011	3	1	2	1	3

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011
Last obs EOs	0	0	1	0	0	1
Counties	0	0	1	0	0	2



Status review triggers approved by the ESPB at its 144th meeting, November 13, 2009.

The proposed status review criteria represent measures of distribution and abundance to prompt the ESPB to review the status of eastern wood rats and consider status changes. Status review criteria do not prompt an automatic change in status, and the ESPB may review the status or status review criteria of the species at any time.

Reclassify the eastern woodrat from state endangered to state threatened - this objective is met when a stable or increasing metapopulation of >50 individuals (fall estimate) has been established in an unoccupied part of the woodrat’s historical range on the eastern part of the Shawnee Hills Natural Division (i.e., Johnson, Saline, Gallatin, Pope, or Hardin counties) and persisted >4 years after translocations have ceased.

Delist the eastern woodrat from state threatened status - this objective is met when (1) genetic heterogeneity of the Pine Hills metapopulation has increased, (2) a stable or increasing metapopulation has been documented at Pine Hills and associated sites for >4 consecutive years, (3) a stable or increasing metapopulation consisting of >50 individuals (fall estimate) has persisted on the eastern side of the Shawnee Hills Natural Division for >4 years after translocations have ceased, and (4) >2 additional populations consisting of >30 individuals each have persisted >2 years after translocations have ceased.

ESPB staff review, recommendation: Current data are insufficient to warrant a status change. If data are submitted to and confirmed by the Database and such recommendation is resubmitted to Board staff during the timeframe of the current List review process, staff will (as time and resources allow) make amended

recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List.

Updated information for 08/10/12 ESPB mtg iteration:

Drs. Heske and Carter provided comments that they agreed with ESPB staff recommendation (Ed Heske, personal communication 06/18/12; Tim Carter, personal communication 06/18/12). No additional evidence was provided by either ESPB TEC.

Mankowski comment: I reiterate my recommendation above and note that no new evidence was brought forth by either the ESPB TECs or the IDNR at this time. If data are submitted to and confirmed by the Database and such recommendation is resubmitted to Board staff during the timeframe of the current List review process, staff will (as time and resources allow) make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List.

Last observed element occurrences locations for respective time periods and all.



1992-1996



1997-2001



2002-2006

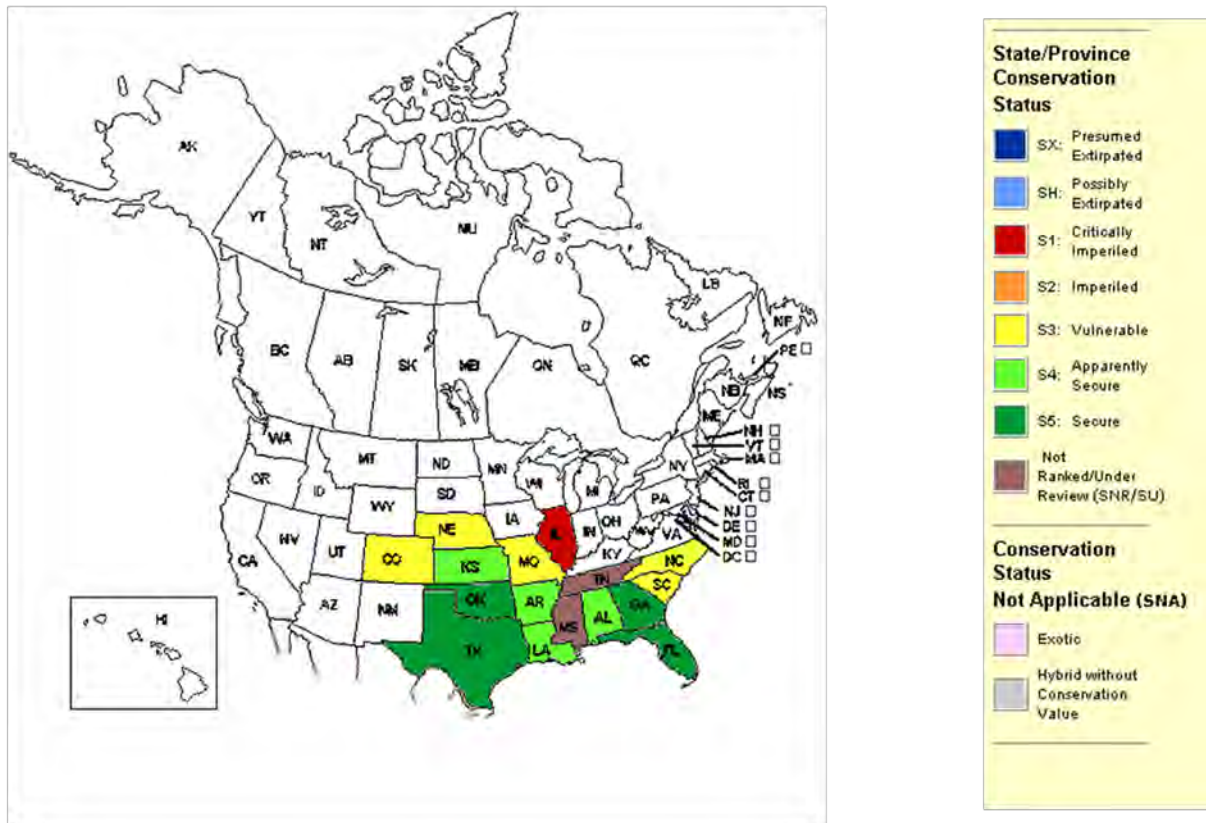


2007-2011



All

Neotoma floridana



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Golden mouse, *Ochrotomys nuttallii* (Illinois threatened)

Listed as IL T, 12/31/1977

Reason for listing: restricted habitats or low pops in IL;

***Ochrotomys nuttallii* (Harlan)**

GOLDEN MOUSE

MURIDAE

Status: Threatened in Illinois



Present Distribution: The golden mouse occurs throughout the southeastern quadrant of the United States from eastern Texas and Oklahoma east to the Atlantic coastal states from Virginia to Florida. Southern Illinois is at the northernmost edge of its range (Feldhammer and Paine 1987, Hoffmeister 1989). There are recent (since 1990) records of the golden mouse from Alexander, Gallatin, Hardin, Johnson, Pope, Saline, and Union counties, but this species also may be present in Jackson and Williamson counties.

Former Illinois Distribution : The present distribution of the golden mouse is probably similar to its former range in the state. There is one old report from Marion County near Salem (Cory 1912), but this record has been questioned by Hoffmeister (1989).

Habitat: In Illinois, the golden mouse inhabits dense thickets in a variety of wooded habitats including bottomland hardwood forests, pines, drainage-ways, abandoned upland fields, roadside rights-of-way and successional sites dominated by cedar (Andrews 1963, Blus 1966). This species appears to be dependent on the presence of a dense understory including honeysuckle, catbrier, and grape (Klimstra and Roseberry 1969, Feldhamer and Paine 1987, Hoffmeister 1989). Populations of golden mice are usually small and isolated with densities that range from 1-12 mice per ha (Andrews 1963).

Reason For Status: Golden mice occur primarily in the Shawnee Hills Natural Division within Illinois. Although recent surveys have documented a number of locations within the state, populations at these sites are generally small. The discontinuous distribution and specific habitat requirements qualify this species as a potentially threatened member of the Illinois fauna.

Management Recommendations: The current distribution and numbers of this species in Illinois should be closely monitored. Consideration should be given to appropriate habitat management where golden mice occur on public lands.

KEY

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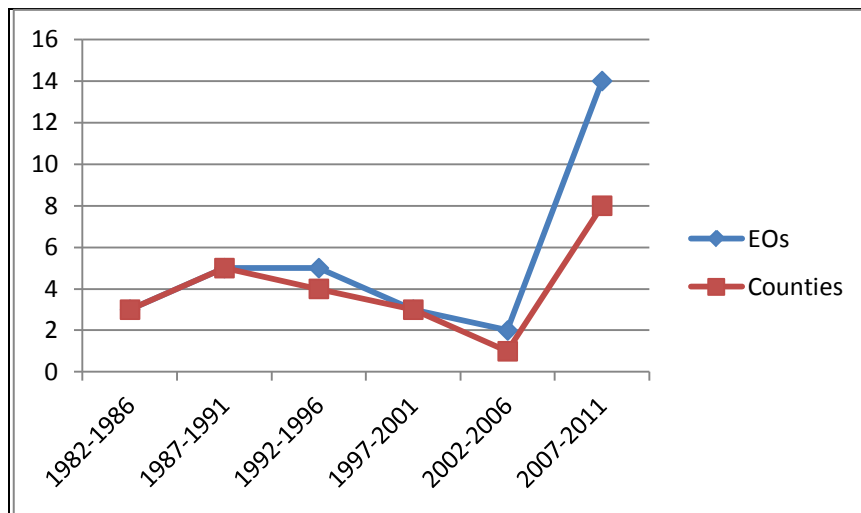
Golden mouse, *Ochrotomys nuttallii* (Illinois threatened)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
2008-10	34	16	8	4	30

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011
Last obs EOs	3	5	5	3	2	14
Counties	3	5	4	3	1	8



Status review triggers approved by the ESPB at its 144th meeting, November 13, 2009.

These proposed status review criteria represent measures of distribution and abundance to prompt the Endangered Species Protection Board to review the status of golden mice and consider de-listing. Status review criteria do not prompt an automatic change in status, and the Endangered Species Protection Board may review the status or status review criteria of the species at any time.

Determine if the percentage of sites sampled in Illinois (with appropriate habitat) that contain golden mice is significantly different ($P < 0.05$) from sites sampled in the core of the distribution that contain golden mouse.

Determine if the average number of individual golden mice trapped per unit effort on all occupied site within Illinois is significantly different ($P < 0.05$) from that within the core of the range of golden mice

ESPB staff review, recommendation: Information presented in Nielen et al (2011) (partial pasted below) suggest that criteria for the ESPB to consider delisting are partially satisfied. However, data have not been submitted to and confirmed by the IDNR Natural Heritage Database and questions about genetics remain unanswered.

Current data are insufficient to warrant a status change. If data are submitted to and confirmed by the Database and such recommendation is resubmitted to Board staff during the timeframe of the current List review process, staff will (as time and resources allow) make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List.

Updated information for 08/10/12 ESPB mtg iteration:

Drs. Heske and Carter provided comments that they felt the species was probably no longer imperiled in Illinois because based on the literature cited, they seem to be present in suitable habitat that is searched (Ed Heske, personal communication 06/18/12; Tim Carter, personal communication 06/18/12). No additional evidence was provided by either ESPB TEC.

Mankowski comment: I reiterate my recommendation above and note that no new evidence was brought forth by either the ESPB TECs or the IDNR at this time. If data are submitted to and confirmed by the Database, genetic questions are answered, and such recommendation is resubmitted to Board staff during the timeframe of the current List review process, staff will (as time and resources allow) make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List.

From: Nielsen, C., E. Hellgren, E. Schaubert, G. Feldhamer, J. Devine, C. Gillen, D. Lesmeister, D. Stetson. 2011. *Cooperative fur-bearing and nongame mammal investigations, Final Report, Federal Aid Project W-135-R-9-12. Submitted by – Cooperative Wildlife Research Laboratory and Department of Zoology, Southern Illinois University Carbondale. Presented to – Division of Wildlife Resources, Illinois Department of Natural Resources, Springfield, Illinois. 138 pp.*

The 6 delisting criteria for the state (Appendix F) suggest the golden mouse could be delisted in Illinois.

1. Species included in the Federal list of Endangered or Threatened Species

Golden mice are not federally listed as endangered or threatened. Likewise, the current IUCN Red Data List of Threatened Species (2011) lists the population trend of golden mice as “stable” and the status as “least concern.”

2. Species proposed for Federal Endangered or Threatened status that occur in Illinois

Golden mice are not being proposed for federal threatened or endangered status. As noted, they are generally considered secure throughout most of their range. The only exceptions are states on the periphery of the range. In Oklahoma, only “a few” specimens have been reported (Caire et al. 1989). Likewise, in West Virginia they are quite rare. NatureServe (2011) considers them “critically endangered” in Oklahoma and “imperiled” in West Virginia. Given how little work has been done and how little is known of golden mice in either state, a more appropriate listing by NatureServe would be “status uncertain.”

3. Species which formerly were widespread in Illinois but have been nearly extirpated from the state due to habitat destruction, collecting, or other pressures resulting from the development of Illinois

There is no historical evidence that golden mice were ever widespread in Illinois. Given forest management practices the past 50 years on Shawnee National Forest—specifically small patch cutting and prescribed burning, both of which lead to creation of dense understory—density and distribution of the species may be greater than ever, although recent management trends toward reduced cutting and burning of forested sites may negatively impact golden mice and eventually reverse the trend.

4. Species which exhibit very restricted geographic ranges of which Illinois is a part

The geographic range of most species of North American mammals is fairly limited. The median geographic range of close to 700 mammalian species is only about 1% of the total area of North America; only about 14 species have ranges >50% of the area of North America. Thus, 1 in 6 species of North American mammals has a range smaller than the state of Connecticut. Most have ranges smaller than the states of California, Oregon, and Washington combined (Pagel et al. 1991, Pimm and Jenkins 2005). Also, as a general rule small species such as rodents have smaller ranges than large species. The golden mouse is a prime example of a small species with a relatively extensive geographic range. The extent of the geographic range of golden mice is well above the average for most North American mammals, especially for a small rodent.

5. Species which exhibit restricted habitats or low populations in Illinois

As noted above, golden mice are often found in deciduous hardwood and coniferous forests, but they also occupy a variety of habitats including the borders of old fields, swampy lowlands, canebrakes, and xeric uplands.

Recent work suggests that golden mice adapt well to additional habitat types that they are not generally associated with, including areas with reduced understory (A. Cross, SIUC graduate student, unpublished data).

6. Species which are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range

This is not the case for golden mice. Their range in Illinois is contiguous with the core distribution (see Figure 3), although the Ohio River could function as a barrier to gene flow. The following 2 criteria also were addressed in this study:

7. The percentage of sites sampled in Illinois (within appropriate habitat) that contain golden mice is not different (or more) than the percentage sampled in the core of the distribution that contain golden mice.

As discussed in Job 4.3, we found golden mice on 21 of the 24 sites (87.5%) sampled in Illinois (Table 7)—although they were often in low numbers. Also, 3 sites had golden mice during the first round of capture, but none the second round, including any recaptures. Thus, populations may be fairly ephemeral. Conversely, in the core of the range, only 13 of the 24 (54.2%) sites had golden mouse captures (Table 8). Numbers were lower in the core than in Illinois, and populations were also ephemeral, with 4 sites having golden mice during the first round of capture, but none the second round, including any recaptures. There was no significant difference in the number of occupied sites in Illinois vs. those in the core of the range ($\chi^2 = 1.88$; $df = 1$; $P > 0.5$). Occupancy model estimates—which give the probability a site is occupied by golden mice whether or not we caught anything—were also much greater for sites in Illinois (0.93) than in the core of the range (0.49), again suggesting golden mice are more common in Illinois.

8. The average number of individual golden mice trapped per unit effort on all occupied sites within Illinois is no different (or more) than that within the core of the range of golden mice.

Contrary to our expectations, abundance of golden mice at the periphery of their range in southern Illinois was much greater than in the core of the range. As noted in Tables 7 and 8, we captured 3.3 times more golden mice in Illinois (99 individuals) than in the core of the range (30 individuals). This was a statistically significant difference ($\chi^2 = 36.91$; $df = 1$; $P < 0.00001$). In Illinois, 57.1% of the golden mice taken during the initial round of trapping had persisted on the sites and were recaptured during the second round (Table 7) compared to only 33.3% in the core of the range, again a significant difference ($t = 3.36$, $df = 46$, $P = 0.0015$). This is perhaps indicative of increased survivorship/persistence on Illinois sites.

Occupancy models also were consistent with these results, as expected. The probability estimate of occupancy at Illinois sites was 0.93 (SE=0.08) whereas the estimate of occupancy in the core was only 0.49 (SE=0.16).

Based on the delisting criteria for the state of Illinois, as well as criteria #7 and #8, it appears that golden mice can be delisted with no harm to the species in the state. The only caveat to this conclusion is if genetic studies currently underway at SIUC indicate unique alleles occur in the Illinois population compared to the core of the geographic range.

Last observed element occurrences locations for respective time periods and all.



1992-1996



1997-2001



2002-2006

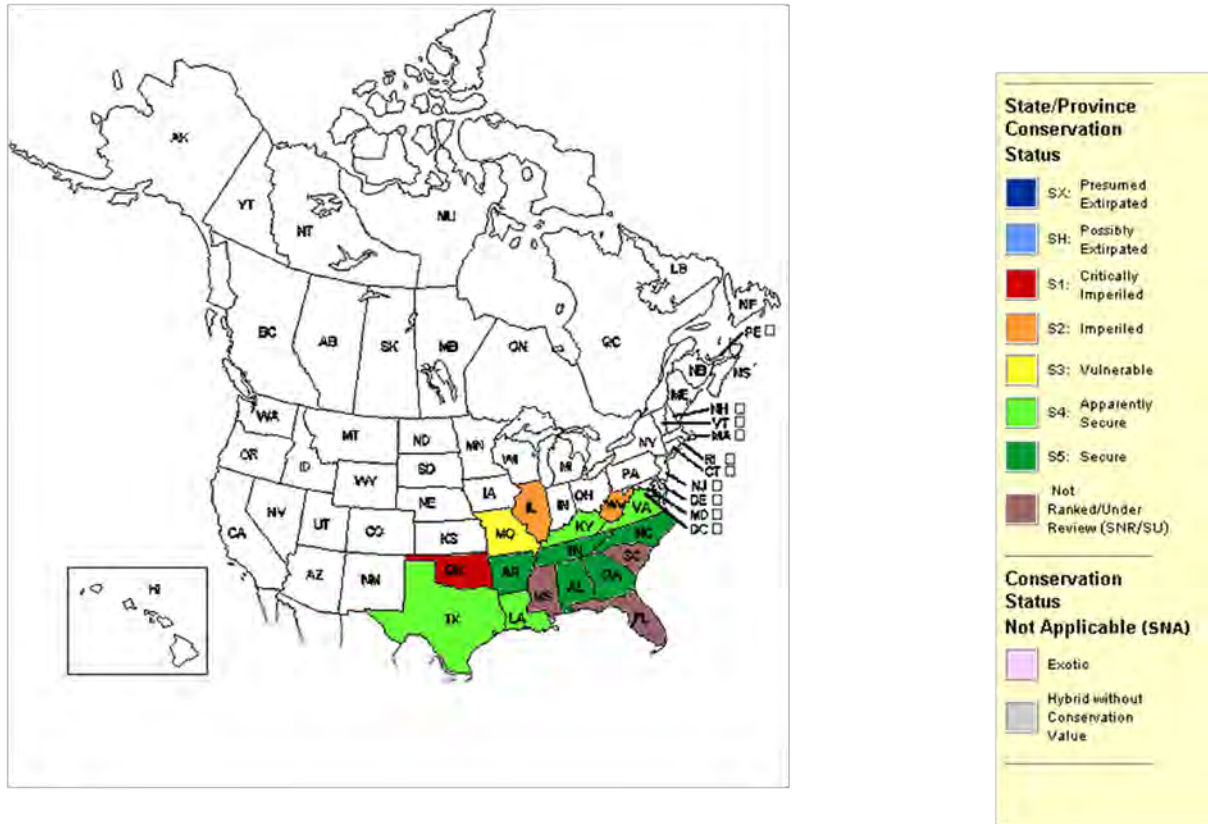


2007-2011



All

Ochrotomys nuttalli



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Rice rat, *Oryzomys palustris* (Illinois threatened)

Listed as IL T, 12/31/1977

Reason for listing: restricted habitats or low pops in IL;

***Oryzomys palustris* (Harlan)**

RICE RAT

MURIDAE

Status: Threatened in Illinois



Present Distribution: The rice rat occurs from Texas, Oklahoma, and southeastern Kansas eastward to the Atlantic coast, and north to Pennsylvania and southern New Jersey (Hoffmeister 1989). Its range within Illinois extends from the Coastal Plain Division northward through the Shawnee Hills Section into the Mt. Vernon Hill Country.

Former Illinois Distribution: The present Illinois range of the rice rat is probably similar to its distribution of the last few centuries. Archeological evidence indicates that this species occurred farther north in the state during prehistoric times (Baker 1936, McLaughlin and Robertson 1951).

Habitat: Rice rats live in wet swampy fields and marshes of southern Illinois, especially in areas of the Shawnee Hills or Ozark Uplift (Hoffmeister 1989). In Illinois, they have been found along roadside ditches, farm ponds, marshy railroad rights-of-way, cypress swamps, marshes, and wet ecotonal areas of woods and grass (Klimstra and Roseberry 1969, McLaughlin and Robertson 1951, Klimstra and Scott 1956, Klimstra 1969, Hofmann *et al.* 1990, Hoffmeister 1989).

Reason For Status: The occurrence of this species in human-modified habitats is a favorable indication of its likelihood for continued existence in Illinois. However, due to the threatened nature of southern Illinois wetland habitats and the generally low population levels of this species a degree of concern is justified.

Management Recommendations: The major threat to this species is the continued loss of wetland habitat; therefore, existing populations in natural habitats such as cypress swamps and marshes should be protected.

KEY

The narrative for each species is accompanied by a map of Illinois with county outlines shown. Counties from which the species is known to occur are shown as a solid circle; county records which may no longer be extant are shown as an open circle. An example of a species treatment is as follows:

Nyboer, R.W., J.R. Herkert, and J.E. Ebinger, editors. 2006. *Endangered and Threatened Species of Illinois: Status and Distribution, Volume 2 - Animals*. Illinois Endangered Species Protection Board, Springfield, Illinois. 181 pp.

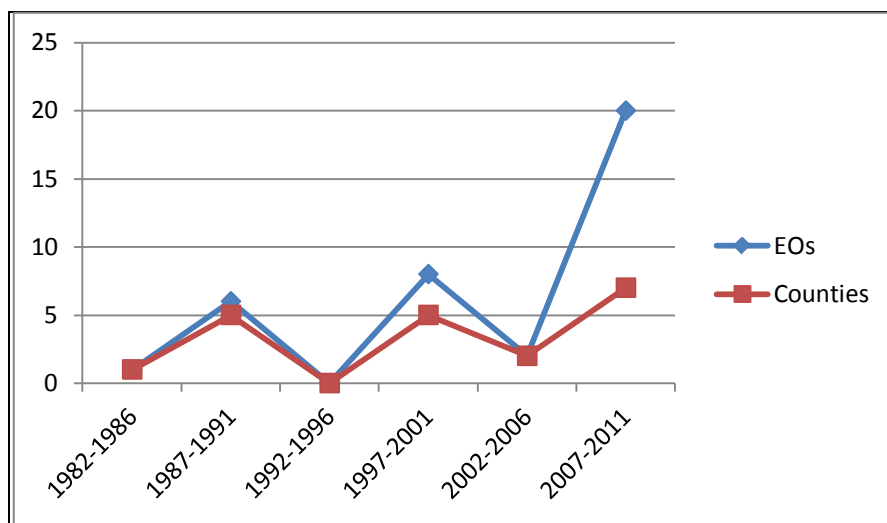
Rice rat, *Oryzomys palustris* (Illinois threatened)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
3/5/2011	37	22	10	3	34

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011
Last obs EOs	1	6	0	8	2	20
Counties	1	5	0	5	2	7



Status review triggers approved by the ESPB at its 144th meeting, November 13, 2009.

The proposed status review criteria represent measures of distribution and abundance to prompt the Endangered Species Protection Board to review the status of rice rats and consider status changes. Status review criteria do not prompt an automatic change in status, and the Endangered Species Protection Board may review the status or status review criteria of the species at any time.

Evaluate Change in Status to Not Listed as Threatened or Endangered –

Rice rats will be considered recovered and eligible for a change in status to —not listed when it is demonstrated that:

1. Two distinct, reproductively viable populations (composing a watershed metapopulation) persist in each of at least 3 major watersheds (i.e., Big Muddy, Saline, Ohio, Cache, Mississippi, Kaskaskia, Little Wabash, Wabash) in southern Illinois for 5 years.
2. Habitats used by rice rats show a stable or increasing trend in area over the most recent 5 years.

ESPB staff review, recommendation: Data do not warrant review for consideration of a change in listing status. Information in a recent publication (Eubanks et al, 2011 – partial pasted below) suggest populations may be nearing thresholds, although detections fell short of expectations and capture rates were below previous studies in Southern Illinois and those conducted elsewhere in the species range. If data are submitted to and confirmed by the Database and such recommendation is resubmitted to Board staff during the timeframe of the current List review process, staff will (as time and resources allow) make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List.

Updated information for 08/10/12 ESPB mtg iteration:

Drs. Heske and Carter provided comments that they felt the species was probably no longer imperiled in Illinois because based on the literature cited, they seem to be present in suitable habitat that is searched and regulations continue to provide protection for wetlands (Ed Heske, personal communication 06/18/12; Tim Carter, personal communication 06/18/12). No additional evidence was provided by either ESPB TEC.

Mankowski comment: I reiterate my recommendation above and note that no new evidence was brought forth by either the ESPB TECs or the IDNR at this time. If data are submitted to and confirmed by the Database and such recommendation is resubmitted to Board staff during the timeframe of the current List review process, staff will (as time and resources allow) make amended recommendation to the Board to consider a status change prior to or at the time when the Board confirms its preliminary approval for changes to the Illinois List.

From: Eubanks, B.W., E.C. Hellgren, J.R. Nawrot, and B.D. Bluett. 2011. Habitat associations of the marsh rice rat (*Oryzomys palustris*) in freshwater wetlands of southern Illinois. *Journal of Mammalogy*, 92(3):552-560, 2011.

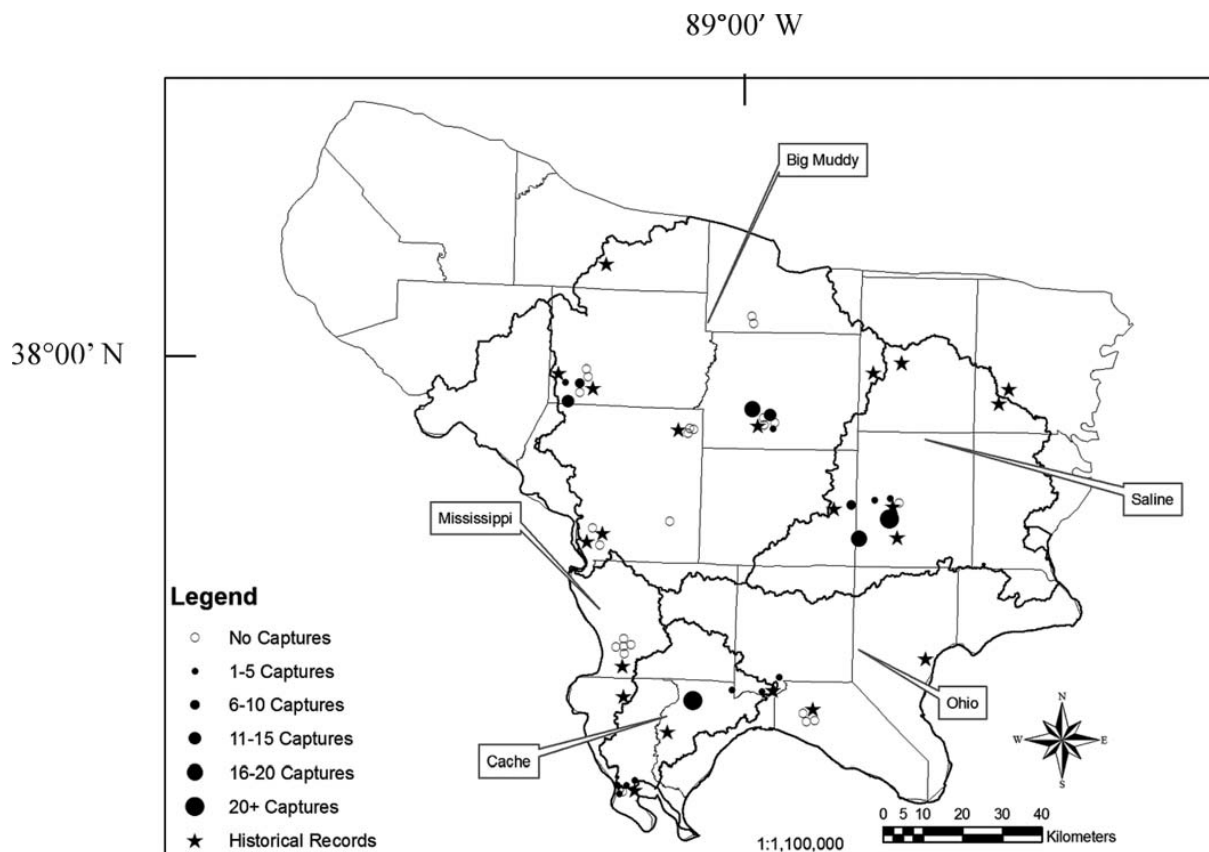


FIG. 1.—Trapping locations and number of marsh rice rat (*Oryzomys palustris*) captures (circles) during survey for marsh rice rats in southern Illinois, 2007–2009. Stars represent historical records. Gray lines represent county borders, and black lines represent watershed boundaries. Sampled watersheds are labeled in boxes.

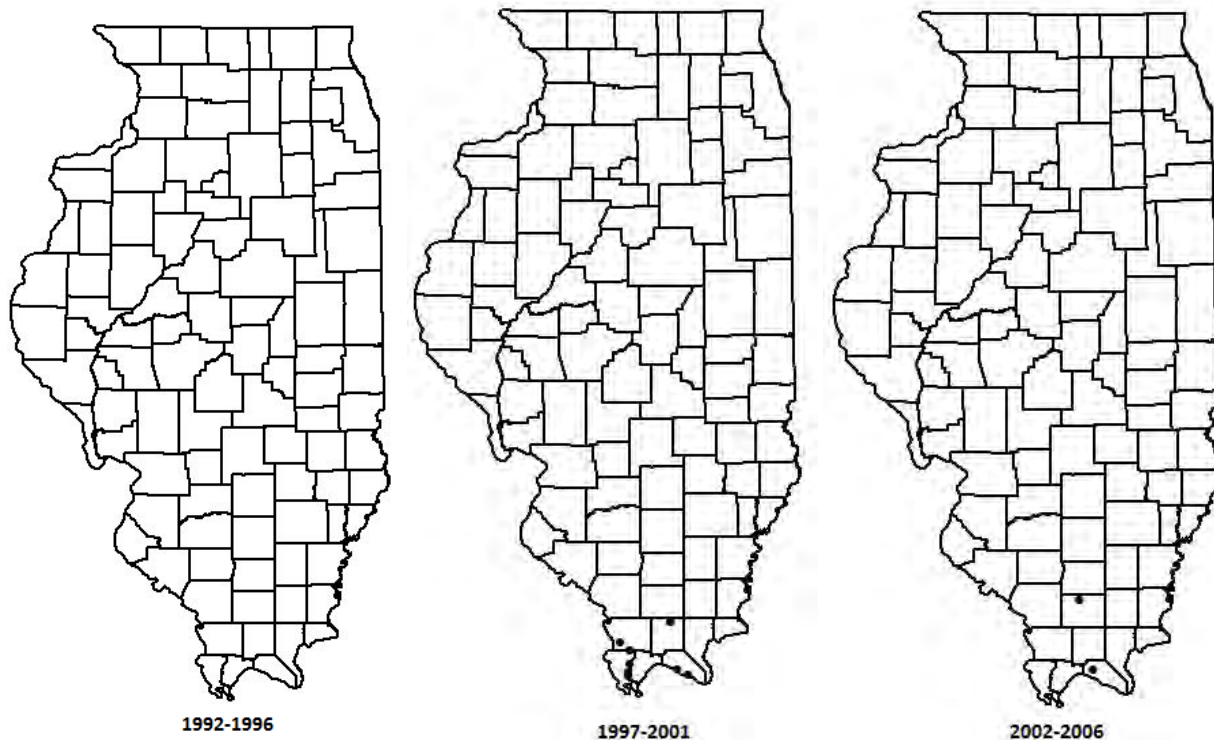
From Discussion Section:

Our site-selection process incorporated previous ecological knowledge about rice rats and was designed to determine which types and features of local wetlands were associated with rice rat occurrence. Therefore, it included random wetland-dominated sites that were not optimal habitat. Also, optimal habitat can change temporally due to yearly or seasonal changes in vegetation structure. In comparison, Hofmann et al. (1990) trapped opportunistically in areas where rice rat occupancy was probable based on direct field observation. These sites, if unmanaged, had undergone

>20 years of succession by the time we trapped at these locations. For example, sites once dominated by grasses, sedges, and rushes (Hofmann et al. 1990) often had undergone succession to shrub-dominated communities including species such as black willow (*Salix nigra*), red maple (*Acer rubrum*), buttonbush, and sycamore (*Platanus occidentalis*). This change in vegetation composition could have led to local extirpation of rice rats, because the species rarely was found in wetlands dominated by woody species.

The site-selection process and successional changes in habitat on historical sites could have contributed to lower capture rates and rice rat occupancy in this study than in the last extensive survey of southern Illinois (Hofmann et al. 1990). Hofmann et al. (1990) captured 28.2 rice rats/1,000 trap nights at 13 of 31 (native occupancy = 0.419) sites. Broader comparisons showed that the capture rate (10.0 individual rice rats/1,000 trap nights) during our entire study (2007–2009) was lower than capture rates reported in coastal areas across the range, which varied from 21.7 rice rats/1,000 trap nights (Kruckek 2004) to 68.4 rice rats/1,000 trap nights (Bloch and Rose 2005; Table 5). Capture rates in early-successional habitats in a bottomland hardwood forest in the Mississippi River Delta region were 67 rice rats/1,000 trap nights (total effort=539 trap nights) prior to a flood event (Chamberlain and Leopold 2003). Similarly, density estimates in the present study, which represent minimum estimates, were much lower than densities reported from other studies (Table 5). Our occupancy modeling indicated that because daily detection probabilities (p range = 0.44–0.87) were high, rice rats most likely would be detected if they occurred within a sampling site. Studies of overwinter survival, density, and habitat use are needed to better understand differences that might exist between core and peripheral populations within the species' range.

Last observed element occurrences locations for respective time periods and all.





2007-2011



All

Oryzomys palustris



State/Province Conservation Status

- SX: Presumed Extirpated
- SH: Possibly Extirpated
- S1: Critically Imperiled
- S2: Imperiled
- S3: Vulnerable
- S4: Apparently Secure
- S5: Secure
- Not Ranked/Under Review (SNR/SU)

Conservation Status Not Applicable (SNA)

- Exotic
- Hybrid without Conservation Value

NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Franklin's ground squirrel, *Spermophilus franklinii* (Illinois threatened)

Listed as IL T, 09/01/2004

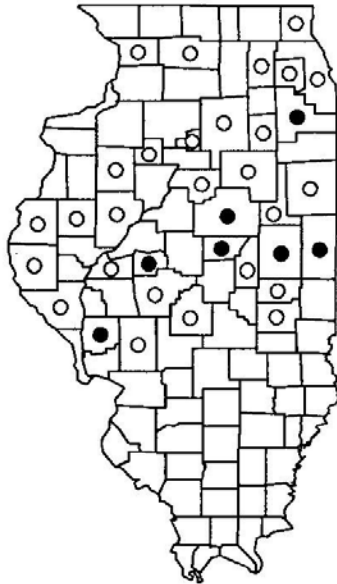
Reason for listing: formerly widespread, but nearly extirpated from IL due to habitat destruction, collecting, or other development pressures

***Spermophilus franklinii* (Sabine)**

FRANKLIN'S GROUND SQUIRREL

SCIURIDAE

Status: Threatened in Illinois



Present Distribution: This species' range extends from east-central Alberta and southern Saskatchewan southeastward to parts of Nebraska, Missouri, Illinois and Indiana (Hall 1981, Hoffmeister 1989). Recent field surveys in Illinois (Hofmann 1998, Martin *et al.* 2003) verified the presence of Franklin's ground squirrels in Champaign and Vermilion counties; other occurrences were reported for Menard and DeWitt counties. Responses to a mail survey sent to wildlife biologists and staff at forest preserves, nature preserves, state parks and other public areas identified 11 extant colonies, mostly in the Chicago and Champaign areas, as well as 44 possible populations based on unconfirmed sightings along with the existence of historical records and/or the presence of suitable habitat; locations were scattered throughout much of the species' historical range in the state (Martin *et al.* 2002, 2003).

Former Illinois Distribution: Vouchered museum specimens have been collected from the northern two-thirds of Illinois (Hoffmeister 1989).

Habitat: Although this species' range overlaps the historical distribution of tallgrass prairie, colonies are often found along edges between grasslands and woodlands, forests, thickets, and wetlands (Cory 1912). Raised railroad beds flanked by dense grasses, forbs, shrubs, and occasional small trees provide cover and sites for burrowing, as do fence rows, old fields, roadsides, ditch banks, and unkept cemeteries with similar characteristics (Schwartz and Schwartz 1981, Hoffmeister 1989, Hofmann 1998).

Reason For Status: Lack of recent sightings, anecdotal opinions and a scarcity of contemporary museum specimens suggest this species may be declining in the eastern part of its range (Lewis and Rongstad 1992, Johnson and Choromanski-Norris 1992, Pergams and Nyberg 2001). Results of recent field surveys in Illinois must be considered preliminary, but difficulty locating colonies at sites where they occurred historically suggests that concern is warranted (Martin *et al.* 2002).

Management Recommendations: A rigorous assessment of the species' status is recommended. Efforts to establish populations in Cook and Knox counties (Panzer 1986, Van Petten and Schramm 1972) failed, indicating a need for basic ecological information (Martin *et al.* 2003) before introductions are attempted again. Establishing and maintaining grassland habitats are beneficial, especially where well-drained soils provide sites for excavating burrows for hibernation. Management regimes that include cool season grasses like brome and provide diverse stages of early- to mid- succession might be helpful.

KEY

The narrative for each species is accompanied by a map of Illinois with county outlines shown. Counties from which the species is known to occur are shown as a solid circle; county records which may no longer be extant are shown as an open circle. An example of a species treatment is as follows:

Nyboer, R.W., J.R. Herkert, and J.E. Ebinger, editors. 2006. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 2 - Animals. Illinois Endangered Species Protection Board, Springfield, Illinois. 181 pp.

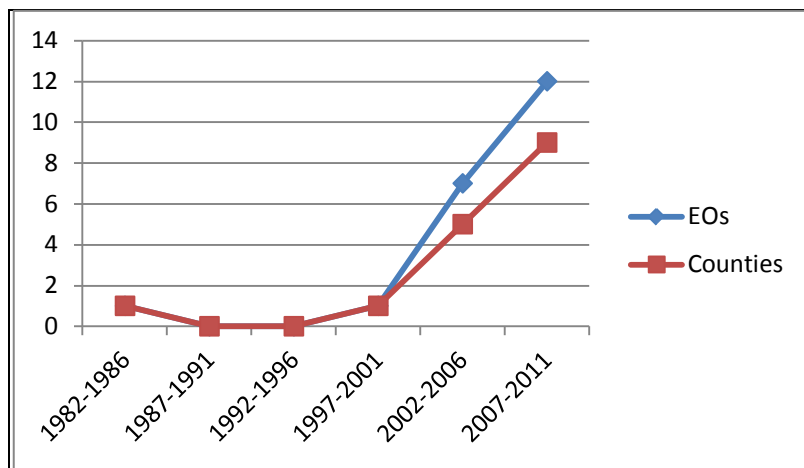
Franklin's ground squirrel, *Spermophilus franklinii* (Illinois threatened)

Illinois – Natural Heritage (Biotics 4) Database – last updated, May 2012

(EO = element occurrence and is roughly equivalent to one or more local individuals; last observed data = most recently observed for each occurrence and observations from previous years for respective occurrences are not illustrated.)

Last observed	Total # EOs	Total seen since Jan 2002	# Counties	# protected occurrences	# topo quads
6/22/2012	25	19	12	3	26

	1982-1986	1987-1991	1992-1996	1997-2001	2002-2006	2007-2011
Last obs EOs	1	0	0	1	7	12
Counties	1	0	0	1	5	9



Last observed element occurrences locations for respective time periods and all.



1992-1996



1997-2001



2002-2006

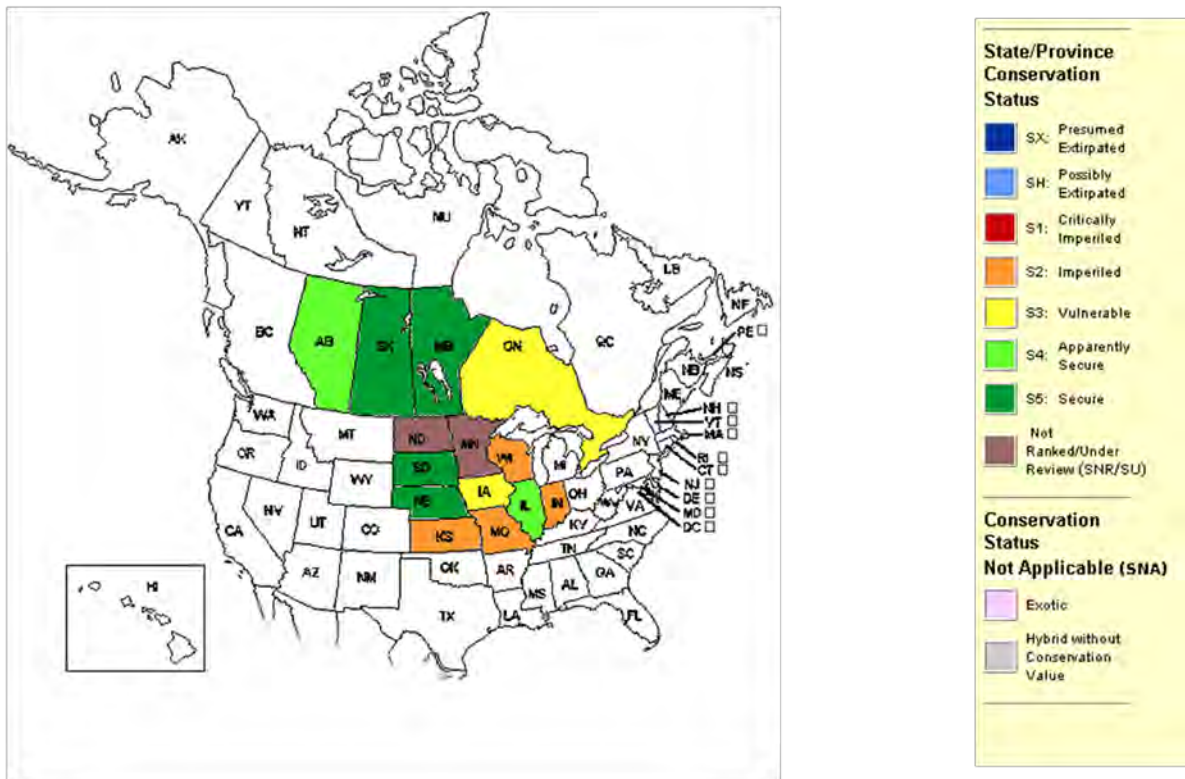


2007-2011



All

Spermophilus franklinii



NatureServe. 2011. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed March 2, 2012).

Illinois Endangered Species Protection Board (ESPB) required 5-year review of the Illinois List of Endangered and Threatened Species (Illinois List) ending in 2014:

Form for ESPB Technical Expert Consultant (ESPB TEC) recommendation for adding a species to the Illinois List of Endangered and Threatened Species

Prepared by:
Anne Mankowski, Director
Illinois Endangered Species Protection Board
One Natural Resources Way
Springfield, IL 62702-1271
Office phone: 271-785-8687
Email: anne.mankowski@illinois.gov
March 2012

Complete one form for each species nomination. Fill-in all sections to the best of your ability with available information. Return the form and copies of attachments to Anne Mankowski.

A. **Date:** 06/11/12; updated 07/19/12

B. **Proposer Information**

Name: Anne Mankowski
Address: ESPB; One Natural Resources Way; Springfield, IL 62702-1271
Phone number: 217-785-8687
Email address: anne.mankowski@illinois.gov
Title: Executive Director
Institution/Organization affiliation: IL Endangered Species Protection Board

C. **The scientific and common name, including nomenclature citation, of any species involved (the ESPB may elect to use the common name identified by NatureServe).**

Scientific Name: *Myotis leibii*
Common Name: Eastern Small-footed Myotis
Nomenclature Citation: Audubon and Bachman, 1842

D. **Identification of the specific listing status recommended – endangered or threatened – and reference to specific ESPB listing criteria that are affecting the species, including where these factors are acting upon the species, the magnitude and imminence of these factors, and whether, either singly or acting in combination, these factors may cause the species to be an endangered or threatened species (endangered = at risk of extinction in the wild in Illinois; threatened = likely to become endangered in the wild in Illinois within the foreseeable future).**

Recommend listing as endangered _____

Recommend listing as threatened ???

Identify which ESPB listing criteria are affecting the species and for which your proposal provides supporting evidence:

1. Species or subspecies designated as federally endangered or threatened.
2. Species proposed for Federal Endangered or Threatened status that occurs in Illinois.
3. Species which formerly were more widespread in Illinois but have shown significant declines which may lead to extirpation from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois. This includes species which:
 - a. are experiencing reproductive impairment;
 - b. have experienced a range reduction;
 - c. occur in reduced numbers even though range or number of populations remains steady.
4. Species which are low in numbers and for which known or potential threats are likely to cause significant declines, including:
 - a. species which exhibit very restricted geographic ranges, of which Illinois is a part;
 - b. species which exhibit restricted habitats or low populations in Illinois;???
 - c. species which are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range.

E. Biological information on the species (including habitat and life-history traits) that is relevant to determining whether a species may be endangered or threatened.

Not addressed at this time.

F. A detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved (location information should include lat/long coordinates and other information necessary to add a record to the Natural Heritage (Biotics 4) Database) and any threats faced by the species; it is most helpful if this narrative contains an analysis of the information presented.

I am requesting review and comments from ESPB TECs and Board members regarding listing consideration. My recommendation at this time is that the species not be listed because 1) known occurrence data is not sufficient to demonstrate the species is a persistent resident/breeder or otherwise significantly uses the area that is Illinois and I would like to see another year or two of occurrence data to better confirm and 2) wait to see what is the outcome of the USFWS review. See also ESPB discussion re: IL cave bat status from the 149th mtg, begins page 43.

Updated information for 08/10/12 ESPB mtg iteration:

Dr. Tim Carter provided comments that he supports listing the species and believes the species is not transient because the 2011 animals were found in the same location as the incidental occurrence observed by Steffen in 2005 and that based on his observations, once bats are found in a location, they are typically residents and not transient. He also commented that he believes there is evidence of breeding because both genders and juveniles were observed in 2011 (Tim Carter, personal communication 06/18/12 and 06/29/12). No new evidence was provided.

Mankowski comment: I appreciate the evidence of breeding from the 2011 observations. However, regarding persistence – the 2005 observations were described as uncertain as to whether they were migrants, and I would like to see at least another year of survey data to demonstrate that what we are seeing is not a 5/6-year cycle pulse where the species expands into IL every few years, but is not actually a persistent resident. I would like to hear from other ESPB TECs regarding the issue.

Dr. Ed Heske provided comments that he supports listing the species, noting that while the status of this bat in southern Illinois is not clear, with so few records, it seems to fall into a similar category as

Corynorhynchus and *M. austroriparius* at the least, and is listed in all other states where it occurs so may be even more vulnerable (Ed Heske, personal communication 06/18/12). No new evidence was provided.

Mankowski comment: I reiterate my desire for additional years of data for this species. With respect to the *C. rafinesquii* (Rafinesque's Big-eared Bat) and *M. austroriparius* (Southeastern Myotis), while the reason for listing would be the same, the listing decisions for those species did consider multiple years of records and survey data.

Currently known Illinois records:

Date unknown (entered into Field Museum collection in 1993). Two animals (males), Pope County (exact location unknown), No specific date 1993. Field Museum collections (Cat # 150639 and 150632). (Tara Kieninger, IDNR Natural Heritage Database, personal communication 03/21/12; and, Dr. Tim Carter, Ball State University, personal communication via Tara Kieninger, 03/21/12).

2005. Two animals (one male, one female) documented in Pope County, November 4, 2005 (Steffen, B.J, T.L. York Osborne, T.C. Carter, G.A. Feldhamer. 2006. The first record of Eastern small-footed Myotis (*Myotis leibii*) in Illinois. *Transactions of the Illinois State Academy of Science*. 99(1&2):87-89.

2011. July 25 – August 16, 2011. No *M. leibii* were captured during two nights of mist-netting. Fifteen rock outcrops were searched by hand. Twenty-nine *M. leibii*, were observed on 8 rock outcrops in an ~ 9 km² area of Johnson and Pope Counties (Table 1). Two females were discovered using the same roost as a juvenile, including one post-lactating female. Other bats were observed roosting singly or in small groups up to 5. *Myotis leibii*, were unable to be located on 7 rock outcrops. One voucher specimen was taken and stored in the mammalogy collection of Ball State University. (Tara Kieninger, IDNR Natural Heritage Database, personal communication 08/16/11 and 03/21/12; and, Whitby, M.D., S.M. Bergeson, S.A. Rutan, T.C. Carter. 2011. Annual Report to the US Forest Service, Project USDA-FS-PA-11090800-23, Monitoring Indiana Bat Maternity Colonies in Southern Illinois, Appendix I. 36 pp.)

From USFWS 90-day finding on the Center for Biological Diversity's petition to list the eastern small-footed and the northern long-eared bats as threatened or endangered under the authority of the Endangered Species Act (ESA).

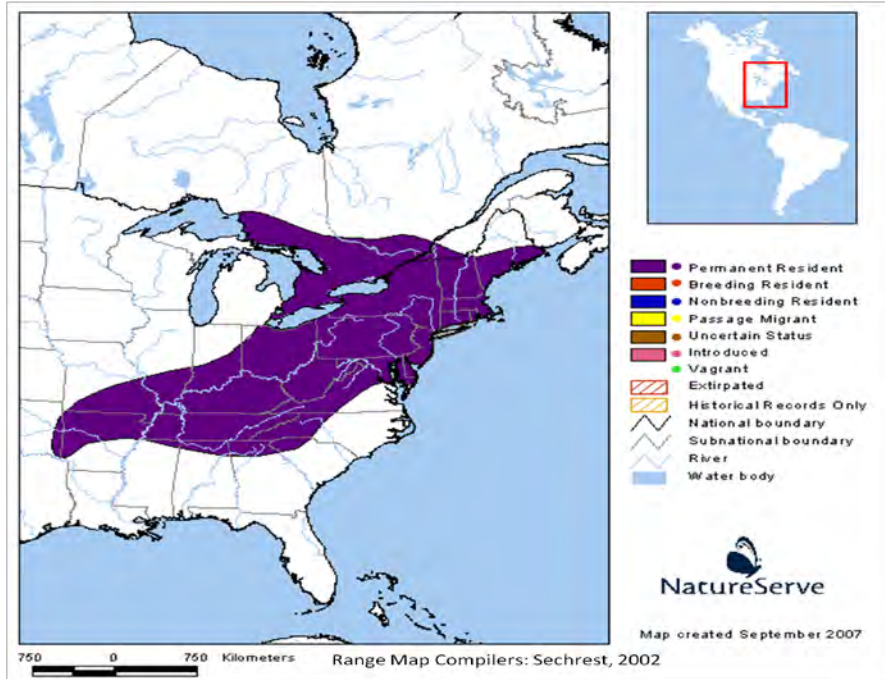
The deaths of individuals of both species have been linked to WNS across portions of their ranges. The confirmation of WNS across large portions of the eastern small-footed bat's range and eastern sections of the northern long-eared bat's range, along with the historical and anticipated future rate of WNS spread, indicate that WNS may negatively impact large portions of the petitioned species' ranges in the near future.

G. Information on regulatory protections and conservation activities initiated or currently in place that may or may not protect the species or its habitat.

Species is currently under review by USFW: a not-warranted 12-month finding or proposed listing/critical habitat rule determination scheduled by end of FFY2013 (September 2013).

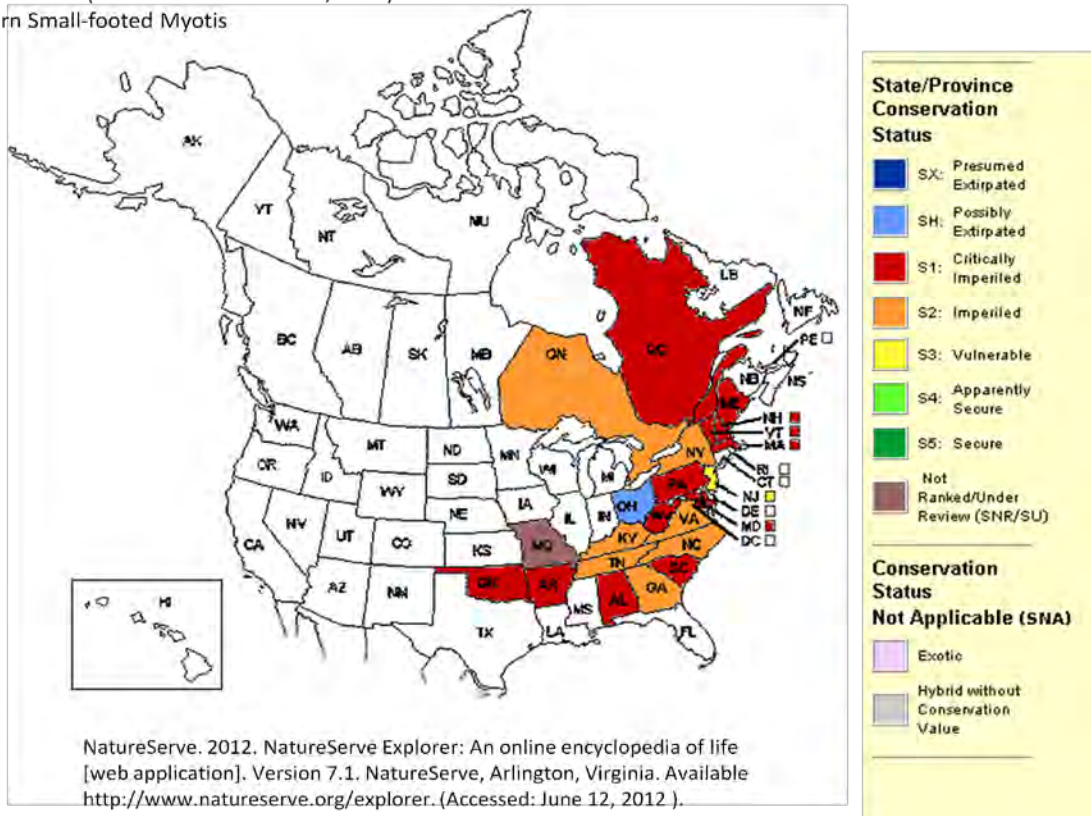
H. Information regarding the status of the species over all or a significant portion of its range.

NatureServe range map - map notes indicate that no records actually known from Illinois.



NatureServe. 2012. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: June 12, 2012).

Myotis leibii - (Audubon and Bachman, 1842)
Eastern Small-footed Myotis



I. Supporting documentation in the form of copies of reprints of pertinent publications, data, reports or letters from authorities, and maps.

The ESPB may consult information already in our files for a subject species, but will only conduct additional research as time and resources allow when evaluating whether a listing recommendation presents substantial information indicating listing may be warranted. Therefore, to ensure that we will consider any supporting documentation you reference, you should provide either electronic or hard copies of any supporting materials cited in the recommendation, or valid links to public websites where the cited materials can be accessed; these materials should be in English. If you do not, we may at our option contact you to obtain supporting documentation. However, if you do not provide the supporting documentation, and it is not otherwise readily available in our files, we will be unable to consider this information in making our finding. In addition, we request that you provide literature citations that are specific enough to allow us to easily locate within the documentation the particular information cited in the petition, including page numbers or chapters, as applicable.

Provide specific citations here:

Dr. Tim Carter, Ball State University, personal communication 08/16/11. (Occurrence information)

Tara Kieninger, IDNR Natural Heritage Database, personal communication 08/16/11 (Occurrence information)

Tara Kieninger, IDNR Natural Heritage Database, personal communication 03/21/12 (Occurrence information)

NatureServe. 2012. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe. Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: June 11, 2012).

Steffen, B.J, T.L. York Osborne, T.C. Carter, G.A. Feldhamer. 2006. The first record of Eastern small-footed Myotis (Myotis leibii) in Illinois. Transactions of the Illinois State Academy of Science. 99(1&2):87-89. (Occurrence information).

Whitby, M.D., S.M. Bergeson, S.A. Rutan, T.C. Carter. 2011. Annual Report to the US Forest Service, Project USDA-FS-PA-11090800-23, Monitoring Indiana Bat Maternity Colonies in Southern Illinois, Appendix I. 36 pp. (Occurrence information).

Provide a list of attachments here:

N/A

149-11 Mammal ESTAC Recommendations about Cave Bat Status and White-Nose Syndrome Management

Ms. Mankowski reviewed that at the 148th meeting, the Board had asked her to compile relevant information and consult with the ESPB Mammal Endangered Species Technical Advisory Committee about this agenda item. She reviewed that she sent a query to the ESTAC and a few other individuals for cave bat species population data. She indicated that in response, she received data from Tara Kieninger (Illinois Natural Heritage Database), Andy King (USFWS), Tim Carter (Ball State University), and Rod McClanahan (USFS). She distributed to Board members a document summarizing previous Board discussions, additional information from other states and agencies, and data compiled from her request. She advised that the data, to date, are insufficient to speak to trends for any species, noting that breeding season data is scarce for listed species and even more so for un-listed species. Due to the paucity of data, she did not ask the ESTAC for further evaluation. She indicated that she intended to present to the Board the information obtained to date, and ask if and how the Board would like to proceed.

Dr. Hofmann agreed with Ms. Mankowski that it is a hard group to get a handle on and getting additional breeding season data, especially for non-listed species, will be very difficult and what new data is obtained will still likely be insufficient. She added that availability of hibernacula data will be better, but for species that are widely distributed, that may be insufficient, as well. Ms. Mankowski reviewed that the Board is concerned with Illinois populations and if we are strictly using hibernacula data, those may not be Illinois-breeding bats. There isn't a lot of data for un-listed species, this is always a problem, and we could possibly use data for listed species as a surrogate for some of the un-listed species in this case, but we probably still don't have enough data for that effort. She indicated that she reviewed the ESTAC and Board information used in evaluating the listing status of the Rafineque's and Southeastern Myotis, and it was a combination of the usual types of information and data – some hibernacula data was used, the presence of a limited range in Illinois, small and limited populations, what percent of habitat (hibernacula and maternity colony) was protected, etc. She reviewed again the three recently passed Wisconsin DNR Administrative Rules (listing *Geomyces destructans* as a prohibited invasive species; the management of white-nose syndrome in bats; and, the listing as state-threatened four bat species - big brown, little brown, long-eared, and Eastern pipistrelle) and noted that Wisconsin's process for allowing exemptions under its incidental take law differs from Illinois'.

Ms. Mankowski and Dr. Hofmann reiterated that listing bat species will not stop the advance of WNS. Dr. Hoffman added that it may be impossible to limit bat-to-bat contact and that measures that limit human contamination of caves is one way to try to slow the spread of the fungus. The Board discussed the matter further. Mr. Rogner asked if there was clear evidence that humans are responsible for the spread of the disease. Dr. Hofmann said there is increasing anecdotal evidence such as where a clean cave became infected immediately following a visit by cavers who had not decontaminated their gear and that some of the long-range geographic leaps made cannot be explained purely by bat movement because the bats involved aren't known to move such great distances.

Vice-chair Kruse asked Mr. Rogner and Dr. Herkert if the IDNR was working on a management plan for WNS. Dr. Herkert indicated that the IDNR is working on a response action plan that seeks to limit human access to caves and uses a tiered approach that follows the USFWS guidance (*December 2009 USFWS WNS Structured Decision Making Initiative and WNS Management Implementation Guidelines*). Ms. Mankowski asked Dr. Herkert about the status of cave closures by the IDNR. Dr. Herkert responded that there are six caves owned by IDNR, four are already gated, the fifth is very hard to find and is posted "no trespass", and the sixth, Illinois Caverns, had not been closed, but the IDNR is using the USFWS guidance and some guidance developed in Missouri to evaluate that potential.

Vice-chair Kruse then reviewed what had been discussed - that the data was not very robust, additional species listings would not slow the spread of the fungus, additional species listings may have unintended consequence by restricting activities that are not currently considered threatening to unlisted species which may result in an unrealistic administrative burden with regard to IDNR permit and incidental take programs, and the affect of

listings would not necessarily provide additional protections for species in this instance, because the threat would not be mitigated by listing. He then asked members if they felt comfortable making any recommendations at this time. Dr. Hofmann indicated that she felt landowner education would be helpful as it may encourage limiting access to privately owned caves or increase caver equipment decontamination efforts.

The Board considered its authority under the Illinois Endangered Species Protection Act to list species on what may be a precautionary principle; that although a threat has not yet affected the Illinois population, it could be considered imminent based on current scientific evidence. Vice-chair Kruse suggested that evaluating the degree of threat to a species is obviously a major factor when considering listing, but he believes the Act does not specifically address this issue. He stated that he believes past practice has always been to use evidence of an existing/occurring threat or impact in such evaluation and the Board has never used anticipation of a threat, but that the advance of WNS into Illinois is probably more of a certainty than any other threat the Board has considered previously. Dr. Herkert added that he is unaware of any previous listing that did not use existing data demonstrative of a current threat that met the threshold of “endangered” or “threatened” as defined in the Act. Ms. Mankowski agreed with Vice-chair Kruse and Dr. Herkert and added that when she communicated in early 2010 with seven other states about the issue, they all expressed the same conclusion at that time. She added that in its listing of the four bat species, Wisconsin considered the anticipated threat of WNS to be defensible scientific evidence based on all information known at the time, and this different interpretation and approach is why the Board was reviewing the situation in Illinois.

Vice-chair Kruse suggested that the discussion indicated that the Board is not ready to make any recommendations at this time and encouraged members and staff to keep an eye on relevant information.

IL Bat Hibernacula Occurrence Summary, IL Endangered Species Protection Board (2011)

County	Year	M. sodalis Indiana Bat	M. grisescens Gray Bat	M. austroriparius SE Myotis	C. rafinesquii Rafinesque's Big-eared Bat	M. lucifugus Little Brown Bat	M. septentrionalis Northern Bat	E. fuscus Big Brown Bat	P. subflavus Eastern Pipistrelle	M. leibii Eastern Small-footed Bat
Adams	2000	0 [a]	1 [a]							
	2001	0 [a]	0 [a]							
	2002	0 [a]	2 [a]							
	2003									
	2004									
	2005									
	2006									
	2007									
	2008									
	2009									
	2010									
Alexander	2000	495 [a]								
	2001	16,179 [a]								
	2002	400 [a]								
	2003	37,440 [a,c]				594 [c]	455 [c]	485 [c]	3,319 [c]	
	2004	249 [a,c]				514 [c]	184 [c]	30 [c]	1,890 [c]	
	2005	49,124 [a,c]		2 [c]		819 [c]	954 [c]	560 [c]	5,497 [c]	
	2006	644 [a,c]				898 [c]	434 [c]	51 [c]	3,074 [c]	
	2007	47,498 [a,c]		4 [c]		96 [c]	154 [c]	13 [c]	1,503 [c]	
	2008									
	2009	44,865 [a,c]		54 [c]		1,759 [c]	819 [c]	444 [c]	9,617 [c]	
	2010									
Hardin	2000									
	2001	1,000 [a]								
	2002			present [a]						
	2003	1,200 [a]								
	2004									
	2005	1,500 [a]								
	2006									
	2007	427 [a,c]								
	2008									
	2009	787 [a,c]	1 [c]	3 [a]		39 [c]	1 [c]			
	2010	623 [a,b,c]	3,500 [c]	162 [b]		98 [b,c]				
Jackson	2000									
	2001	present [a]			1 [a]					
	2002									

2003	413 [a]	1 [a]
2004		
2005		
2006		
2007		
2008		
2009		
2010		



Jersey	2000	
	2001	426 [a]
	2002	450 [a]
	2003	
	2004	
	2005	
	2006	
	2007	
	2008	
	2009	
	2010	



Jo Daviess	2000	
	2001	
	2002	
	2003	
	2004	
	2005	
	2006	
	2007	
	2008	
	2009	
	2010	



La Salle	2000	
	2001	1,562 [a]
	2002	
	2003	1,648 [a]
	2004	
	2005	1,804 [a]
	2006	
	2007	2,513 [a]
	2008	
	2009	

2010

Monroe	2000	171 [a]	0 [a]
	2001		
	2002		
	2003		
	2004		
	2005		
	2006		
	2007		
	2008		
	2009		
	2010		

Pike	2000		
	2001	0 [a]	
	2002	0 [a]	
	2003		
	2004		
	2005		
	2006		
	2007		
	2008		
	2009		
	2010		

Pope	2000	426 [a]				
	2001	475 [a]				
	2002	1,500 [a]				
	2003	450 [a]	50 [a]			
	2004	1,557 [a]				
	2005	1,500 [a]				2 [d]
	2006					
	2007	1,856 [c]	1 [c]	104 [c]	1 [c]	22 [c]
	2008	0 [c]				
	2009	4,771 [c]	1 [c]	56 [a,c]		1 [c] 16 [c]
	2010	4,258 [b,c]		426 [a,b,c]	19 [b,c]	7 [b] 14 [b]

Saline	2000					
	2001					
	2002					
	2003					
	2004					
	2005					

2006					
2007		25 [c]		1 [c]	89 [c]
2008		22 [c]			
2009		29 [c]	33 [c]	1 [c]	188 [c]
2010		123 [b,c]	26 [b,c]	5 [b,c]	184 [b,c]
Union					
2000					
2001					
2002					
2003	0 [a]				
2004	360 [c]		21 [c]	12 [c]	20 [c]
2005	519 [c]		26 [c]	29 [c]	9 [c]
2006	381 [c]		6 [c]	29 [c]	16 [c]
2007	400 [c]		17 [c]	17 [c]	13 [c]
2008					
2009	62 [a,c]		79 [c]		2 [c]
2010	35 [a,b]		50 [b,c]	2 [b,c]	6 [b,c]

Note: blank cell = no record of surveillance

Sources:

a = IL Natural Heritage (Biotics 4) Database, IDNR, 2011

b = Dr. Timothy Carter, Ball State University, 2010

c = Rod McClanahan, US Forest Service, 2010

d = Dr. George Feldhamer, Southern Illinois University, 2005

IL Bat Summer and Fall Occurrence Summary, IL Endangered Species Protection Board (2011)

County	Year	M. sodalis Indiana Bat	M. grisescens Gray Bat	M. austroriparius SE Myotis	C. rafinesquii Rafinesque's Big- eared Bat	M. lucifugus Little Brown Bat	M. septentrionalis Northern Bat (* also see below)	E. fuscus Big Brown Bat	P. subflavus Eastern Pipistrelle	M. leibii Eastern Small-footed Bat
Alexander	2000									
	2001			8 [a]						
	2002									
	2003									
	2004	360 [a]			5 [a]					
	2005	3,648 [a]			present [a]					
	2006				present [a]					
	2007				present [a]					
	2008									
	2009	1 [a]								
	2010	363 [c]	0 [c]	0 [c]	6 [a]	29 [c]	5 [c]	1 [c]	11 [c]	
Fulton	2000									
	2001									
	2002									
	2003									
	2004	1 [a]								
	2005									
	2006									
	2007									
	2008									
	2009									
	2010									
Gallatin	2000									
	2001									
	2002									
	2003									
	2004									
	2005									
	2006									
	2007									
	2008									
	2009									
	2010									
	2011								2 [b]?	
Hardin	2000									

2001							
2002	100 [a]	100+ [a]	present [a]				
2003							
2004	20 [a]	4 [a]	16 [a]				
2005							
2006							
2007							
2008		4 [a]	1 [a]				
2009	43 [c]	0 [c]	3 [c]	8 [c]	0 [c]	0 [c]	0 [c]
2010	90 [c]	912 [c]	10 [c]	23 [c]	6 [c]	0 [c]	9 [c]

Jackson	2000						
	2001	8+ [a]					
	2002	100+ [a]					
	2003	50+ [a]					
	2004	11 [a]					
	2005						
	2006	10 [a]					
	2007	5 [a]					
	2008	4 [a]					
	2009	47 [a]					
	2010						

Johnson	2000						
	2001						
	2002						
	2003		270+ [a]				
	2004	3 [a]	0 [a]	22 [a]	38 [a]		
	2005						
	2006						
	2007				29 [a]		
	2008				28 [a]		
	2009	0 [c]	0 [c]	4 [a,c]	0 [c]	0 [c]	0 [c]
	2010			many [a]	many [a]		

La Salle	2000						
	2001						
	2002						
	2003						
	2004						
	2005						
	2006	1 [a]					
	2007						
	2008						

2009
2010

Massac 2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010

3 [a]
2 [a]

Monroe 2000 100 - 125 [a]
2001 2 [a]
2002
2003
2004
2005
2006
2007
2008
2009
2010

Pike 2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010

Pope 2000
2001
2002
2003
2004 10+ [a]

400+ [a]

2005								
2006								
2007								
2008								
2009	42 [c]	0 [c]	44 [c]	2 [c]	0 [c]	0 [c]	1 [c]	
2010	50 [c]	0 [c]	0 [c]	6 [c]	0 [c]	0 [c]	2 [c]	
2011								18 [b]

St. Clair	2000							
	2001							
	2002							
	2003							
	2004			1 [a]				
	2005							
	2006							
	2007							
	2008	85 [a]						
	2009							
	2010							

Saline	2000							
	2001							
	2002							
	2003							
	2004							
	2005							
	2006	0 [c]	0 [c]	18 [c]	3 [c]	3 [c]	0 [c]	1 [c]
	2007	0 [c]	0 [c]	15 [c]	1 [c]	6 [c]	0 [c]	0 [c]
	2008	1 [c]	0 [c]	9 [c]	2 [c]	1 [c]	0 [c]	1 [c]
	2009	3 [c]	0 [c]	29 [c]	1 [c]	7 [c]	0 [c]	1 [c]
	2010	0 [c]	0 [c]	9 [c]	6 [c]	9 [c]	0 [c]	1 [c]

Union	2000							
	2001							
	2002							
	2003	178 [a]						
	2004							
	2005							
	2006	2 [a]						
	2007							
	2008	90 [a]						
	2009	7 [c]	0 [c]	0 [c]	19 [c]	3 [c]	0 [c]	0 [c]
	2010	4 [c]	0 [c]	0 [c]	5 [c]	9 [c]	0 [c]	1 [c]

Note: blank cell = no record of surveillance;

Sources:

a = IL Natural Heritage (Biotics 4) Database, IDNR, 2011

b = Dr. Timothy Carter, Ball State University, 2010, 2011

c = Rod McClanahan, US Forest Service, 2010

d = Dr. Joyce Hofmann, IL Natural History Survey (retired), 2011

* = summer mist netting by IL Natural History Survey (source d)

1985-1995 141 capture records (might include some recaptures so not the same as number of bats)

1996-present 97 capture records

Although there have been fewer captures since 1995, I don't think the difference is significant.