

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF THE 162nd MEETING

HELEN MATTHES PUBLIC LIBRARY, EFFINGHAM, IL

16 May, 2014

(Approved at the 163rd Meeting, August 15, 2014)

BOARD MEMBERS PRESENT: Secretary John Clemetsen, Ms. Lenore Beyer-Clow, Dr. Joyce Hofmann, Mr. Jim Robinett, Dr. John Taft.

BOARD MEMBERS ABSENT: Chair Dan Gooch, Ms. Susanne Masi, Ms. Laurel Ross, Dr. Jeff Walk, and Dr. Jim Herkert

BOARD MEMBER VACANCIES: None

OTHERS PRESENT: Ms. Timmie Clemetsen; Mr. Bob Bluett and Ms. Ann Holtrop (Illinois Department of Natural Resources); and, Ms. Jeannie Barnes and Dr. Mike Dreslik (Illinois Natural History Survey).

162-1 Call to Order Welcome and Introduction of Guests

Secretary Clemetsen called the meeting to order at 9:04 A.M., asked Board members to introduce themselves, and noted that there was a quorum. He then asked audience members to introduce themselves.

162-2 Adoption of Agenda

Secretary Clemetsen asked for a motion to approve the agenda. Dr. Taft **moved** to adopt the agenda, Ms. Beyer-Clow seconded the motion and it was **approved** unanimously.

162-3 Approval of Minutes from the 02/20/14 Special Meeting and the 161st (02/21/14) Meeting

Dr. Hofmann **moved** for approval of the February 20, 2014 Special Meeting Minutes. Dr. Taft seconded the motion and it was **approved** unanimously. Ms. Beyer-Clow **moved** for approval of the 161st Meeting Minutes. Mr. Robinett seconded the motion and it was **approved** unanimously.

162-4 ESPB Staff Report

Secretary Clemetsen noted that the Board's Director, Ms. Mankowski, was absent from the meeting and reviewed the staff report she had submitted prior to the meeting (Attachment A).

162-5 IDNR Staff Report

Ms. Ann Holtrop, Acting Natural Heritage Division Chief, reported that Don McFall retired at the end of March and she started in the acting position April 1st. The division hired two new District Heritage Biologists, one each in LaSalle and Pike Counties. There are currently 16 incidental take authorizations in process and 3 were recently approved. She included a few notes about endangered and threatened species management and monitoring activities.

162-6 INPC Staff Report

Secretary Clemetsen noted that Mr. Heidorn, Director of the Illinois Nature Preserves Commission, was not in attendance, but had submitted a report to members prior to the meeting.

Prior to the next agenda item, Board members made motion for, and voted on, an action that had not been identified as an agenda item with possible action on the meeting agenda. Board member Taft moved, and Dr. Hofmann seconded the motion, that Board member pre-meeting materials should be provided to staff of IDNR Natural Heritage and INPC noting that it would not represent a burden on ESPB staff workload, which was in conflict with information that had been previously provided to Board members by ESPB Director Mankowski and supported by ESPB Chair Gooch. There was no discussion following the motion, so the Board did not consider the staff workload issue, that some documents are draft, or potential conflicts with openness and public access requirements or other considerations. The Board voted unanimously to approve the motion. Following the meeting, it was noted that the motion and vote had been taken out of order because it was not articulated as an agenda item with possible action on the meeting agenda and so the public had not been provided notice of the possible action and that it might be in conflict with other requirements of the Open Meetings Act and the action would not stand.

162-7 2014 Annual Acknowledgment of Receipt of Revolving Door Provisions (5 ILCS 430/5-45) for Board members and staff

Secretary Clemetsen noted that Board members and staff completed the required annual acknowledgement of receipt of revolving door prohibitions per State Officials and Employees Ethics Act.

162-8 2014 Illinois List Review: update of anticipated schedule for required public hearing on Board preliminary decisions, Board final decisions, and proposing Ad Rule amendments

Secretary Clemetsen reviewed that Ms. Mankowski is still working on completing all of the documents necessary for the public hearing. He noted that the Board is required to provide a one-week notice of the hearing and while not required to allow an additional comment period, consistent with past practice, Ms. Mankowski is planning to allow a two-week written comment period unless the Board wanted to direct her otherwise in order to reduce workload. The Board agreed with allowing a two-week written comment period. He added that Ms. Mankowski was trying to have everything ready to hold the public hearing in mid- to late-June.

162-9 Next Regular Meeting Information

The Board's next regularly scheduled meeting will be at the Glacial Park, Lost Valley Visitor Center, Savanna Room, 6316 Harts Road; Ringwood, IL 60072; August 15, 2014; 9:00 AM.

162-10 Public Comment Period (3 minutes per person)

Dr. Mike Dreslik presented comment reviewing several reasons for recommending against the Board's previously approved preliminary decision to add the Copperbelly Watersnake (*Nerodia erythrogaster neglecta*) to the Illinois List of Endangered and Threatened Species. He handed-out to Board members copies of a document reviewing his recommendation.

Mr. Bluett asked if the Board would like for him to make presentations at future meetings about listed species work being done by the IDNR and the Board responded that such presentations as requested agenda items would be appreciated as time allows.

Prior to the next agenda item, Board members made motion for, and voted on, an action that had not been identified as an agenda item with possible action on the meeting agenda. Board member Hofmann made motion, and Dr. Taft seconded the motion, that the Board should table its preliminary decision to list the Copperbelly Watersnake (*Nerodia erythrogaster neglecta*) and discuss the listing decision at its next meeting. There was no discussion of the document handed-out by Dr. Dreslik, including no

discussion about discrepancies in taxonomic designation between the Board's listing decision and Dr. Dreslik's document, nor discussion about the statements posted on the Board's website and that had been reviewed multiple times during the List review process that "the Board accepts comments, but does not engage in discussion and will not take action on comments during the public comment period. The Board may elect to further address the comment at a later time." The Board voted unanimously to approve the motion. Following the meeting, it was noted that the motion and vote had been taken out of order because it was not articulated as an agenda item with possible action on the meeting agenda and so the public had not been provided notice of the possible action and it was also in conflict with process posted to the Board's website and stated during the List review process and the action would not stand.

162-11 Other Business (Board members complete travel forms and time reporting sheets)

Dr. Taft requested that an update of the ESPB Research/Strategic Projects Program be presented to members at the 163rd meeting.

162-12 Adjournment

Secretary Clemetsen asked for a motion to adjourn. Dr. Hofmann so **moved**, Ms. Beyer-Clow seconded the motion, and it **passed** unanimously. The meeting was adjourned at 9:45 AM.

**Illinois Endangered Species Protection Board staff report
for the 162nd Meeting, May 16, 2014**
Submitted by Anne Mankowski, Director

The Board has one full-time staff person, 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: February: claimed = 77.5, donated = 4.5; March: claimed = 44.0, donated = 2.5; April: claimed = 27.5, donated = 0.0.

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

Ms. Mankowski continued preparing materials for the required public hearing to receive comments and evidence on the Board's preliminary listing decisions in the current five-year review and revision of the List (see also 162nd meeting agenda item 8). She responded to multiple inquiries from individuals asking for information about the List review and revision.

2. ESPB Staff Hiring

Executive Assistant

Until a time when the Board has headcount to hire staff directly, Ms. Mankowski continues working with IDNR Human Resources for new contractual hiring of an Executive Assistant.

Listing and Recovery Coordinators

Until a time when the Board has headcount to hire staff directly, Ms. Mankowski continues working with the IDNR Human Resources staff on scoping for hiring two full-time, contractual ESPB Listing and Recovery Coordinators.

3. ESPB Member appointments

Conducted outreach and interview and vetting of potential nominees for Board recommendation to the Governor's Office for member appointment.

4. ESPB Website

Spent time working with IDNR web support staff and made ongoing updates to the ESPB website. The ESPB website serves as the web portal for ESPB and IDNR administered endangered and threatened species program information.

5. ESPB Budget

Ms. Mankowski continues working with IDNR on budget assignments related to the FY2014 and FY2015 budgets.

6. ESPB Research/Strategic Projects Program

There was no ESPB research project administration during the last quarter.

7. Meetings, Presentations, and Publications

- Ms. Mankowski participates in IDNR ORC twice-monthly administrative meetings, when possible.
- There have been no meetings of the IDNR Natural Areas Evaluation Committee since the Board's 160th meeting held in November, 2014. Each of the November and December 2013, and the January, February, March, and April 2014, NAEC meetings were cancelled. The Board is voting member of the committee.
- Attended the USFWS *Platanthera leucophaea* annual researchers meeting, held March 27, 2014 at the Morton Arboretum.
- Ms. Mankowski attending the April 3, 2014 Chicago Wilderness Congress and participated in the April 16, 2014 meeting of the Chicago Wilderness Executive Council. The Board is voting member of the council.
- Ms. Mankowski participated in the April 22, 2014 IDNR Wildlife Preservation Fund proposal review and ranking meeting.

9. 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 listed below, by topic:

E&T vouchering and translocation

- No follow-up to report about vouchering and translocation issues discussed at the ESPB 157th meeting, held February 8, 2013.

E&T consultation

- Provided comments to IDNR OLC on proposed Administrative Rule 17 Ill. Admin. Code, Subchapter G: Grants, Part 3090, Recreational Trails Program.

E&T incidental take authorization

- No activity.

E&T translocation

- Continued working with INPC and IDNR ORC staff on development of a joint animal translocation policy. The Board should expect a joint policy to be consistent with the Board's current E&T animal translocation policy and a draft joint policy will need to be approved by all three agencies before becoming official.
- Responded to inquiries from IDNR ORC staff regarding the status of the joint animal translocation policy and issues related to recovery planning for the Blanding's Turtle (*Emydoidea blandingii*).
- Provided advice to IDNR ORC staff about laws, regulations, and policies related to endangered and threatened plant translocations.

E&T recovery planning and implementation

- Continued working with IDNR Prairie Ridge Site Manager, Scott Simpson, and researchers at INHS about a possible Illinois Prairie Chicken (*Tympanuchus cupido*) genetic study to complement ongoing research and translocation activities.
- Completed the Year-3 Illinois Barn Owl (*Tyto alba*) Recovery Plan Implementation Report of Accomplishments.
- Continued coordination with IDNR ORC and INPC staff for development of a recovery outline for *Melanthium virginicum* (Bunchflower).

ESPB/IDNR review and approval coordination

- No activity.

E&T monitoring/surveillance and reporting

- Continued working on developing a programmatic approach to updating E&T element occurrence surveys and IDNR Natural Heritage (Biotics 4) Database records. Ms. Mankowski is attempting to gain partnership commitment from IDNR ORC and OREP.
- Continued working on draft revised endangered and threatened species element occurrence reporting forms for use by the IDNR Natural Heritage (Biotics 4) Database. The revisions address some information gaps and terminology discrepancies and are intended to improve the robustness of data reported to the Database. Ms. Mankowski will work with Database staff to finalize the forms, which will replace those currently available via the Board's website.
- Responded to IDNR OLC about proposed improvements to existing endangered and threatened species element occurrence reporting forms that are accessible on the Board's website.

Other

- Responded to requests from the IDNR Ethics Officer regarding Board membership and annual economic interest reporting and revolving door prohibition acknowledgement forms.
- Responded to IDNR Legal Counsel regarding a FOIA request of the IDNR and its boards and commissions for documentation of Open Meetings Act training.
- 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 responded to inquiries from the World Bird Sanctuary in St. Louis, MO, and the Forest Preserve District of Will County in Illinois, about the State of Illinois Barn Owl Recovery Plan and implementation.
- Ms. Mankowski responded to an inquiry from the Forest Preserve District of Will County in Illinois about NatureServe data and status ranking information.
- Ms. Mankowski responded to an inquiry from Illinois Natural History Survey staff about the 2014 List review and listing criteria.
- Ms. Mankowski responded to inquiries for information about endangered and threatened species, Board meetings, and the List review and revision from WBEZ and the Chicago Tribune.
- Ms. Mankowski responded to an inquiry for information about the List review and revision from Illinois Issues Magazine.
- Ms. Mankowski completed approved revisions to the ESPB Policy and Operations Manual and submitted a copy of the final document to the Office of Executive Inspector General, as required.

11. Field Work

- None.

12. Other General Administration and Clerical Work

- Prepared and routed Board member and staff travel vouchers and timesheets.
- Conducted updates to ESPB budget tracking on ORC sharepoint.
- Regularly distributed information to Board members via email and hardcopy mailings.
- Completed purchasing new ESPB office equipment and furniture necessary for the required move in the IDNR building.
- Continued worked on development of contracts for hiring staff during FY2014.
- Completed revisions to the Board's Policy and Operations Manual.
- Continued working on preparation for moving the Board's cube and files.
- All aspects of preparation for the May 16, 2014, ESPB special meeting.