

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF THE 164<sup>th</sup> MEETING

MIDEWIN NATIONAL TALLGRASS PRAIRIE, WILMINGTON, IL

14 NOVEMBER, 2014

(Approved at the 165<sup>th</sup> Meeting, February 20, 2015)

BOARD MEMBERS PRESENT: Chair Dan Gooch, Vice-chair Joyce Hofmann, Secretary Jeff Walk, Mr. Vernon LaVia, Mr. Jim Robinett, and Dr. Jim Herkert

BOARD MEMBERS ABSENT: Ms. Lenore Beyer-Clow

BOARD MEMBER VACANCIES: Three

OTHERS PRESENT: Mr. Bob Bluett (Illinois Department of Natural Resources) and Ms. Anne Mankowski (Endangered Species Protection Board)

164-1 Call to Order Welcome and Introduction of Guests

Chair Gooch called the meeting to order at 10:04 A.M. He welcomed Mr. Vernon LaVia as a newly appointed member and asked Board members to introduce themselves. He noted that there was a quorum and then asked audience members to introduce themselves.

164-2 Adoption of Agenda

Chair Gooch asked for a motion to approve the agenda. Secretary Walk **moved** to adopt the agenda, Mr. LaVia seconded the motion, and the agenda was **approved** unanimously.

164-3 Approval of Minutes from the 163<sup>rd</sup> Meeting (08/15/14)

Ms. Mankowski noted one typographic correction she had made to the draft minutes and that there were no other changes. Vice-chair Hofmann **moved** for approval of the minutes, Mr. Robinett seconded the motion, and it was **approved** unanimously.

164-4 Approval of Resolutions Commending John Clemetsen, Susanne Masi, John Taft, and Laurel Ross for Service as Members of the Illinois Endangered Species Protection Board

Chair Gooch read a resolution commending former member John Clemetsen for his 18 years of service, including 9 years as Secretary, on the Board (Attachment A). Secretary Walk **moved** to approve the resolution, Mr. Robinett seconded the motion, and it was **approved** unanimously.

Chair Gooch read a resolution commending former member Susanne Masi for her 12 years of service on the Board (Attachment B). Mr. Robinett **moved** to approve the resolution, Secretary Walk seconded the motion, and it was **approved** unanimously.

Chair Gooch read a resolution commending former member John Taft for his 5.5 years of service on the Board (Attachment C). Vice-chair Hofmann **moved** to approve the resolution, Secretary Walk seconded the motion, and it was **approved** unanimously.

Chair Gooch read a resolution commending former member Laurel Ross for her 4 years of service on the Board (Attachment D). Secretary Walk **moved** to approve the resolution, Mr. Robinett seconded the motion, and it was **approved** unanimously.

164-5 ESPB Staff Report

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

164-6 IDNR Staff Report

Jim Herkert, Director of IDNR Office of Resource Conservation, reviewed some recent staffing changes within ORC and plans by the IDNR to move the Department's Impact Assessment Section from the Office of Realty and Environmental Planning into ORC, where it used to be located. He noted the amount of work ORC is doing on E&T consultations and incidental take authorization, referring to summaries provided in the written report that was handed out at the meeting and placed on file. Chair Gooch asked if there was a hiring freeze in place and Dr. Herkert responded that there was not. Dr. Herkert reviewed that the agency was preparing for transition with the new administration.

163-7 INPC Staff Report

Jim Herkert, Director of IDNR Office of Resource Conservation, explained that Mr. Heidorn, the Director of the Illinois Nature Preserves Commission was not able to attend the meeting and referred to a report that was previously submitted to the Board and placed on file.

164-8 PRESENTATION – Proposed Approval of Listing Status Review Triggers for the Smooth Softshell (*Apalone mutica*)

Mr. Bluett presented to the Board a proposal for approval of status review triggers for the Illinois Endangered Smooth Softshell (*Apalone mutica*) and the Board engaged in discussion.

Chair Gooch asked for explanation of the basis for the use of population numbers of 100 captures and 50 captures and survival of equal to or greater than 85% as demographic indicators in respective proposed triggers. Mr. Bluett explained that the survival rate was based on spiny softshell research and the capture numbers were proposed by Dr. Mike Dreslik. Chair Gooch asked how the numbers indicate persistence and Mr. Bluett replied that since the size of historic populations is not known, they feel using these indicators is appropriate.

Mr. LaVia asked why the survey methods do not include mark recapture studies and Mr. Bluett indicated that temporary marking methods are difficult and often not reliable and they do not want to harm the animals with permanent marking methods. Mr. LaVia noted that without mark recapture methods, the surveys would provide only limited information about local population sizes and demography and since the study called for only a few days of sampling at individual locations, it seemed that temporary marking methods could be used and he offered some suggestions. Mr. Bluett indicated that the suggested methods wouldn't work.

Secretary Walk requested that "recent records" be further defined as recent meaning observation within the most recent 20 years and records meaning element occurrence records in the Natural Heritage (Biotics) Database. Mr. Bluett indicated those changes were acceptable. There was brief additional discussion and Secretary Walk **moved** to approve the status review triggers as amended, Mr. Robinett seconded the motion and it was **approved** unanimously (see below).

Ms. Mankowski asked for clarification of what exactly the Board had approved, noting that her recommendations to the Board indicated that some of her previous comments and corrections to the IDNR on draft versions of the document appear to have not been incorporated, leaving some statements incorrectly attributed to her and some information incorrect. There was discussion that the Board had approved only the status review triggers and neither the *Status of the Smooth Softshell (Apalone mutica) in Illinois: Sampling Protocols for Assessment and Proposed Thresholds for Considering Changes in the Species'*

*Status as Endangered, Threatened or Secure* document or the powerpoint presented to the Board at the current meeting. The Board then reviewed some of Ms. Mankowski's comments and recommendations. Ms. Mankowski noted that by the Board approving only the status review triggers, it leaves staff in a difficult position of how to memorialize the action in the proper context for conducting Board business. She reviewed her recommendation for language describing what status review triggers are and are not and how they are used by the Board.

Mr. LaVia noted that as a new member he was not familiar with how the Board had executed an action of approving only selected text or a portion of what he understood to be an item presented for approval by the Board. He expressed concern for the difficulty noted by Ms. Mankowski and asked if the Board could refine its approval at this time to incorporate some of Ms. Mankowski's recommended language.

Chair Gooch indicated that the Board had taken final action about the triggers, so the triggers should not be changed, but he thought that Ms. Mankowski could set the triggers in the context of appropriate language as described, for the Board's use. He added that the Board should not take additional action under the current item, but could discuss Mr. LaVia's request under "Other Business" (see agenda item 164-16 *Other Business*) and that could include recommendation for how Ms. Mankowski should handle setting the document context for the triggers.

Relative to additional discussion under agenda item 164-16 *Other Business*, the Board agreed that for purposes of presenting the triggers in proper context in the meeting minutes below, Ms. Mankowski would include a preamble that the Board would have opportunity to approve as part of the minutes.

Listing Status Review Triggers for the Illinois Endangered Smooth Softshell (*Apalone mutica*) approved by the Board with context preamble are as follows:

The Illinois Endangered Species Protection Board is required by law to review, and revise as necessary, the Illinois List of Endangered and Threatened Species at least every five years. Proposed status review triggers for the species' status as endangered, threatened or secure are based on its modern distribution within its historical range (from surveys, publications in scientific journals and performance reports) recorded as element occurrence records in the Natural Heritage (Biotics) Database as well as evidence of sustainable levels of mortality (from an ecological study on the Kaskaskia River).

Achieving the thresholds for number of records with observation within the most recent 20 years, number of captures, and results of the demographic study identified in respective triggers shall not prompt an "automatic" change in the status of the species in Illinois, and the Endangered Species Protection Board may review the status or status review criteria of the species at any time. Other factors, including known threats, productivity, and extent and condition of protected habitat, should be considered with population size and distribution data to judge whether a change in status is warranted.

Definitions of "endangered" and "threatened" under the Illinois Endangered Species Protection Act.

*Endangered in Illinois* – 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 in Illinois* – likely to become endangered in the wild in Illinois within the foreseeable future.

Status Review Trigger for Endangered

Element occurrence records with observation within the most recent 20 years exist for ≤6 of 14 rivers with potential habitat in the species' historical range. This criterion corresponds to the number of rivers

with recent records of occurrence at the time *A. mutica* was listed as endangered.

Status Review Triggers for Threatened

- Element occurrence records with observation within the most recent 20 years exist for >6 but ≤9 of 14 rivers with potential habitat in the species' historical range.

- Sampling efforts yield ≥100 captures per river in one or more rivers.<sup>a</sup>

Status Review Triggers for Secure (Remove from Illinois List)

- Element occurrence records with observation within the most recent 20 years exist for ≥10 of 14 rivers with potential habitat in the species' historical range.

- Sampling efforts yield ≥100 captures per river in one or more rivers and ≥50 captures per river in two or more rivers.<sup>a</sup>

- Demographic study on Kaskaskia River finds survival of adults ≥85%.<sup>b</sup>

<sup>a</sup> Protocols for marking captured individuals are not consistent among sources of information. For clarity, the "number of captures" includes possible re-captures of unmarked individuals.

<sup>b</sup> Information about survival of *A. mutica* is lacking; Plummer et al. (2008) reported a population of *A. spinifera* with an adult survival rate of 83.6% appeared to be stable. Criterion is based on natural mortality (i.e., does not include study-related losses).

The Board recessed from 12:12 P.M. to 12:25 P.M.

164-9 ESPB Member Appointments

Ms. Mankowski reviewed that in October, Mr. LaVia was appointed by the Governor's Office. She indicated there had been no other action out of the Governor's Office regarding Board Member appointments since the August 15, 2014 meeting.

164-10 2014 Ethics Training for Appointees to State Boards and Commissions

Ms. Mankowski noted that all Board members and staff had completed the required training.

164-11 Approve the ESPB Biennial Report July 2012-June 2014

Ms. Mankowski reviewed that she had completed a draft of the required ESPB biennial report for the period of July 2012-June 2014. She noted a few typographic corrections that she had made to the draft version members received before the meeting and asked the Board to approve the document. Vice-chair Hofmann so **moved**, Mr. Robinett seconded the motion, and it was **approved** unanimously. She indicated that the document will be published to the Board's website and hard copies will be sent to the Illinois State Library, the Illinois General Assembly Legislative Research Unit, the Governor's Office of Management and Budget, and the Governor.

164-12 Approve 2015 Regular Meeting Dates and Locations

Ms. Mankowski reviewed the proposed dates, locations, and start times for the 2015 regular meetings. Mr. LaVia **moved** to approve the schedule below, Vice-chair Hofmann seconded the motion, and it was **approved** unanimously.

February 20, 2015, 9:00 A.M., at Midewin National Tallgrass Prairie, Wilmington, IL

May 15, 2015, 9:00 A.M., Lowell Park Nature Center, Dixon Park District, Dixon, IL,

August 14, 2015, 9:00 A.M., at Dickson Mounds Museum, Lewistown, IL.

November 13, 2015, 10:00 A.M. at Midewin National Tallgrass Prairie, Wilmington, IL

164-13 ESPB Executive Officers and Committee - Discuss and Take Action Regarding Proposed Revision to the Nomination and Election Process, Powers, and Duties

Ms. Mankowski reviewed that the Board had discussed at its previous meeting, the need for revisions to the Board's policy regarding Executive Officers and Executive Committee. She reviewed her proposed edits and there was limited discussion. Mr. LaVia **moved** to approve the proposed edits, Secretary Walk seconded the motion, and the new text including the edits and as presented below was **approved** unanimously.

SECTION 2.2 - BOARD OFFICERS/EXECUTIVE COMMITTEE

As stated in Section 10/6 of the Act, "The Board shall select from its membership a chairman and such other officers as it considers necessary, and may name an Executive Committee to which it may grant specific powers." Board officers will consist of a Chair, Vice-chair, and Secretary; these officers shall also serve as the Board Executive Committee. Following are guidelines for the Executive Committee, as approved by the Board at its 164<sup>th</sup> Meeting, November 14, 2014:

A. Selection of Board Officers and Executive Committee

1. Board officers shall serve for a term of 3 years, or until a successor is chosen. There will be no limit on the number of consecutive terms which may be served in an Executive Committee position.
2. Board officers will be elected at the first Board meeting after June 30, 1990 and at the first meeting after June 30 of every third year thereafter.
3. The Board may nominate and review candidates as a committee of the whole or a three-member nominating committee, appointed by the Chair, will prepare a slate of candidates for Executive Committee positions, offering one or more candidates for each position. Additional nominations may be made by Board members at the time of election.
4. In the event an executive committee member is unable to complete a term, a special election may be held at any regularly scheduled Board meeting to fill the vacancy.

B. Duties of the Board Officers and Executive Committee

1. The Executive Committee has authority to act in the stead of the full Board on matters requiring action prior to the next regularly scheduled Board meeting, except for the listing, delisting, or change in status of listed species. The Executive Committee may also function as the External Relations Committee, or individual Executive Officers may function as External Relations Representatives, by representing the Board in meetings and negotiations with other Boards and Commissions, state agencies, and elected officials.
2. Each Executive Officer will be identified as Open Meetings Act Designees, in addition to Board staff, and will be required to complete the Public Access Counselor's Open Meetings Act training within 30 days of appointment and annually thereafter.

3. The Chair shall: approve meeting agendas; preside at all Board meetings; and may join in debate and vote on all proposed actions; act as official spokesperson for the Board on policy matters; and, engage in correspondence on behalf of the Board or at the direction thereof. The Chair will have primary responsibility for managing personnel matters involving the Board's Director, including: supervision; approving time and work schedule; and, at the Chair's discretion, providing any other specific direction and suggestions. In the event that the Chair is unavailable, the aforementioned duties related to Director personnel matters may be performed by the Vice-chair or Secretary. The Chair will also lead the Executive Committee in performing the Director's employee performance evaluation.
4. The Vice-chair shall: preside at Board meetings in the absence of the Chair; and, assume all duties of the Chair in the event the Chair is unable to serve or resigns. In the event that the Chair is unavailable, the Chair's duties related to Board Director personnel matters, may be performed by the Vice-chair or Secretary. The Vice-chair will participate in the Director's employee performance evaluation, which will be lead by the Chair.
5. The Secretary shall preside at Board meetings if both the Chair and Vice-chair are absent. In the event that the Chair is unavailable, the Chair's duties related to Board Director personnel matters may be performed by the Vice-chair or Secretary. The Secretary will participate in the Director's employee performance evaluation, which will be lead by the Chair.
6. If no Board officer is present at a Board meeting, members will select a temporary chair by consensus prior to the start of the meeting.

164-14 ESPB Meetings – Discuss and Take action Regarding Frequency and Staff and Member Administration

Ms. Mankowski reviewed that the Board agreed at its 163<sup>rd</sup> meeting to continue discussion about the issue of what agenda materials are made available to non-members prior to each meeting and that she and Chair Gooch were to conduct additional research about agenda requirements and standards.

She reviewed the following from the previous meeting:

- The Board's current practice is compliant with the Open Meetings Act and is the same standard applied by other state boards.
- The Board does not have the authority to provide only select individuals with special access to materials and so any distribution beyond current practice would need to be made available to everyone. Ms. Mankowski has explained this to individuals who have contacted her requesting special access to agenda materials and that at a time when the Board has adequate staffing, she would work to make available an expanded agenda that included a narrative about each item to be discussed and the requested action, but until then, as the sole employee of the Board, she cannot accommodate request for more agenda materials.
- Despite that explanation, one individual continues to complain to the Board about the matter.
- The Board agreed that it cannot make special exception for select individuals and discussed the merits of improving public access to meeting information versus staff workload capacity and was not able to come to agreement about changing current practice.

She and Chair Gooch then reviewed that their additional research confirmed that, as indicated previously, the Board's current practice is compliant with requirements articulated in the Open Meetings

Act and is the same standard applied by other state boards. They added that some boards do more and some do less and the Board does not currently have capacity to do more. The Board engaged in brief discussion to confirm its same position from the previous meeting and there was no motion to make changes to current practice.

164-15 Next Regular Meeting Information

The next regular meeting of the Board will be at 9:00 A.M., February 20, 2015 at Midewin National Tallgrass Prairie, Visitor Center Conference Room, 30239 South State Route 53; Wilmington, IL 60481.

164-16 Public Comment Period (3 minutes per person)

There were no public comments.

164-17 Other Business (Board members complete travel forms and time reporting sheets)

Mr. LaVia asked Ms. Mankowski to seek confirmation about the liability of individual members with respect to Board actions. Ms. Mankowski indicated she would ask for clarification from the Governor's Office of Executive Appointments and would provide him follow-up.

Mr. LaVia then asked for further discussion regarding the Board's action under agenda item 164-8. He noted that as a new member it seemed awkward that the Board had made a motion relative to "on the spot" verbal description of only select parts of what had been presented to the Board rather than what was actually presented to the Board and that may cause problems for staff in dealing with the Board's action. He indicated that he appreciated the issues, concerns, and recommendations that Ms. Mankowski had provided in her review of the agenda item materials and that following the additional agenda item discussion after the Board had taken action, he felt the Board should have included more of Ms. Mankowski's recommendations. He asked if the action could be refined at this time and Chair Gooch explained that the Board cannot take action, including refining previous action, under "Other Business". Chair Gooch added that the Board may refine the action at its next meeting, noting that he believes Robert's Rules allows for such challenges or changes within a certain period of time from a final action and the next meeting would seem appropriate. He reviewed that as discussed under 164-8, Ms. Mankowski could set the approved limited text in the context of a document that addressed and satisfied staff needs for conducting business. He asked if that is what Mr. LaVia was requesting. Mr. LaVia responded in the affirmative.

Chair Gooch then asked Dr. Herkert and Ms. Mankowski if it would be acceptable to them for Ms. Mankowski, prior to the next meeting, to prepare a document to set appropriate Board context for the status review triggers that were approved by the Board under 164-8 and have that document approved at the next meeting. Dr. Herkert replied that he understood the Board approved just the specific text of the triggers and it seemed appropriate to him that the Board would approve a document or text to set the approved triggers in the context it deems necessary for its purposes. Chair Gooch asked Ms. Mankowski if it would be a lot of work to prepare a document around the approved status review triggers to set them in a context similar to some of the previously Board-approved recovery outlines, noting that this item would be different because it did not actually prescribe recovery. Ms. Mankowski responded that it would be a fair amount of work to prepare a document similar to the Board-approved recovery outlines, but indicated that she could fairly easily prepare for the next meeting limited text as a preamble for just this single item that would basically be what she had recommended in her review of the item. She noted that because it would be very limited, it should not be considered a standard for future items, and she could address a standard document packaging content and format recommendation at a later date. She offered to prepare a preamble for the approved triggers and include it as part of the summary for 164-8 in the draft minutes for the 164<sup>th</sup> meeting. The Board agreed that was appropriate.

Mr. LaVia then asked that Ms. Mankowski prepare recommendation for Board approval of document “packaging” that would be required for such status review trigger or similar items brought to the Board for approval in the future. Ms. Mankowski reviewed that she had indicated in her recommendation on the subject item that she was planning to prepare for Board approval a process and format for requests to the ESPB for approval of E&T recovery planning/status review trigger documents to try to standardize what comes to, and how it is handled by, the Board. She indicated that she would try to have that ready for the next meeting.

164-18      Adjournment

Mr. LaVia **moved** to adjourn, Secretary Walk seconded the motion and it was **approved** unanimously. The meeting was adjourned at 1:25 P.M.



## Resolution 164-4.1

### Illinois Endangered Species Protection Board

November 14, 2014

Whereas **Mr. John Clemetsen** began serving on the Illinois Endangered Species Protection Board in 1996 and served as a dedicated, loyal, and highly valued Board member until 2014 - some 18 years;

Whereas he served as a Board Executive Officer as secretary for 9 years and in that capacity prepared meeting minutes and conducted some general administration of Board business during the years when the Board had no staff;

Whereas also during the years when Board had no staff, he performed a key role in the administration of the 5-year reviews of the Illinois List of Endangered and Threatened Species, including coordinating input from volunteer technical expert consultants and advisors;

Whereas over his entire tenure he was a dedicated, enthusiastic, and engaged member who promoted and supported the business of the Board, at times serving as a Board liaison with the Department of Natural Resources and frequently offering to assist with preparing Board advice to the Department, strategic planning, development of publications, and outreach; and,

Whereas he has demonstrated himself over several decades to be a champion of endangered, threatened, and rare species conservation as a volunteer steward managing habitat and monitoring populations at several Illinois natural areas.

Now therefore, The Illinois Endangered Species Protection Board resolves to commend John Clemetsen and thank him for exemplary service **on the Board** on behalf of the people of Illinois. The Board further directs that a copy of this resolution be transmitted to Mr. Clemetsen upon its passage.

Passed and approved by the Illinois Endangered Species Protection Board this Fourteenth day of November, Two Thousand and Fourteen.



Chairman

Illinois Endangered Species Protection Board

## Resolution 164-4.2

Illinois Endangered Species Protection Board  
November 14, 2014

Whereas **Ms. Susanne Masi** began serving on the Illinois Endangered Species Protection Board in 2002 and served as a dedicated, loyal, and highly valued Board member until 2014 - some 12 years;

Whereas she brought valuable experience to the Board as a botanist, participating in several 5-year reviews of the Illinois List of Endangered and Threatened Species as a member and also as a volunteer technical advisor prior to her membership;

Whereas she demonstrated herself over several decades to be a champion of endangered, threatened, and rare species and natural areas conservation by contributing important species and population information from her work at the Chicago Botanic Garden, and as a volunteer steward at several Illinois natural areas; and,

Whereas over her entire tenure she was a dedicated and enthusiastic member who promoted and supported the mission and business of the Board .

Now therefore, The Illinois Endangered Species Protection Board resolves to commend Susanne Masi and thank her for exemplary service **on the Board** on behalf of the people of Illinois. The Board further directs that a copy of this resolution be transmitted to Ms. Masi upon its passage.

Passed and approved by the Illinois Endangered Species Protection Board this Fourteenth day of November, Two Thousand and Fourteen.



Chairman  
Illinois Endangered Species Protection Board

## Resolution 164-4.3

Illinois Endangered Species Protection Board

November 14, 2014

Whereas **Dr. John Taft** began serving on the Illinois Endangered Species Protection Board in 2008 and served as a dedicated, loyal, and highly valued Board member until 2014 - some 5 and one-half years;

Whereas he brought valuable experience to the Board as a botanist and ecologist, participating in several 5-year reviews of the Illinois List of Endangered and Threatened Species as a member and also as a volunteer technical advisor prior to his membership;

Whereas he demonstrated himself over several decades to be a champion of endangered, threatened, and rare species and natural areas conservation by contributing important species and natural community research and survey information from his work at the Illinois Natural History Survey and as an instructor at the University of Illinois; and,

Whereas over his tenure, he was a dedicated and enthusiastic member who promoted and supported the mission and business of the Board.

Now therefore, The Illinois Endangered Species Protection Board resolves to commend John Taft and thank him for his service **on the Board** on behalf of the people of Illinois. The Board further directs that a copy of this resolution be transmitted to Dr. Taft upon its passage.

Passed and approved by the Illinois Endangered Species Protection Board this Fourteenth day of November, Two Thousand and Fourteen.



Chairman

Illinois Endangered Species Protection Board

## Resolution 164-4.4

Illinois Endangered Species Protection Board

November 14, 2014

Whereas **Ms. Laurel Ross** began serving on the Illinois Endangered Species Protection Board in 2010 and served as a dedicated, loyal, and highly valued Board member until 2014 - some 4 years;

Whereas she brought valuable experience to the Board as an ecologist and conservation planner, participating in one 5-year reviews of the Illinois List of Endangered and Threatened Species, engaging in strategic planning, and advocating for the Board;

Whereas she demonstrated herself over several decades to be a champion of endangered, threatened, and rare species and natural areas conservation through her work at the Field Museum of Natural History and at The Nature Conservancy in Illinois, and as a volunteer steward at several Illinois natural areas; and,

Whereas over her tenure she was a dedicated and enthusiastic member who promoted and supported the mission and business of the Board.

Now therefore, The Illinois Endangered Species Protection Board resolves to commend Laurel Ross and thank her for exemplary service **on the Board** on behalf of the people of Illinois. The Board further directs that a copy of this resolution be transmitted to Ms. Ross upon its passage.

Passed and approved by the Illinois Endangered Species Protection Board this Fourteenth day of November, Two Thousand and Fourteen.



Chairman

Illinois Endangered Species Protection Board

**Illinois Endangered Species Protection Board staff report  
for the 164<sup>th</sup> Meeting, November 14, 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: August: claimed = 19.5, donated = 0.0; September: claimed = 28.5, donated = 0.0; October: claimed = 33.0, donated = 0.0.

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

Since the August meeting, Ms. Mankowski prepared documents necessary for routing the proposed administrative rule amendments at IDNR and to JCAR and submitted those to IDNR Legal Counsel on September 15, 2014. IDNR Legal Counsel forwarded them to IDNR Director Miller for approval to process. As of November 7, 2014, the draft amendments had not left Director Miller's office.

**2. ESPB Staff Hiring**

Executive Assistant

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

Data Specialist

Until a time when the Board has headcount to hire staff directly, Ms. Mankowski continues attempting to work with the IDNR Human Resources staff on scoping for hiring a full-time, contractual ESPB Data Specialist.

**3. ESPB Operations Confirmation - gaining clarification regarding: Openness and real or perceived conflicts of interest in conducting Board business; Roles and responsibilities of and relationship between the Board and IDNR; Securing independent legal counsel; and, Review of the Endangered Species Protection Act**

The Board has identified the need for clarification regarding these several areas of Board operations. Ms. Mankowski identified several items for referral to the Public Access Counselor of the Office of the Illinois Attorney General and she met with IDNR Legal Counsel to discuss gaining opinion from the IAG Opinions Division regarding roles and responsibilities of and relationship between the Board and the Department and the Board securing independent legal counsel. Ms. Mankowski worked on materials for the Board's requests for opinion from the IAG Public Access Counselor and Opinions Division. She also continues work on initial proposed draft amendments to the Illinois Endangered Species Protection Act begun in 2011 and related to the clarification of roles, responsibilities, and relationship exercise. This work will also inform the Board's strategic planning exercise scheduled for February 2014.

**4. ESPB Member appointments**

Conducted outreach and interview and vetting of potential nominees for Board recommendation to the Governor's Office for member appointment. Conducted administration for on-boarding and held an orientation meeting with newly appointed member, Vernon LaVia.

**5. ESPB Website**

Spent time working with IDNR web support staff to correct changes that had been made to the Board's website without the Board's knowledge. Made ongoing updates to the ESPB website, especially updates related to the 2014 List review and revision.

## 6. ESPB Budget

Ms. Mankowski submitted to IDNR Director Miller and Fiscal Office Director Harper the Board's approved FY2016 budget request. She continues working with IDNR on budget tracking and assignments related to the FY2015 budget.

## 7. ESPB Research/Strategic Projects Program

There was no ESPB research project administration during the last quarter. The Board agreed in 2012 that the research program would be put on hiatus while Ms. Mankowski worked on the List review and revision and Ms. Mankowski is still engaged in that process. At the 163<sup>rd</sup> Board meeting in August 2014, the Board agreed that all funding available to the Board would be directed toward staffing and staff would then address some of the Board's research priorities identified in 2012.

## 8. Meetings, Presentations, and Publications

- There have no meetings of the IDNR Natural Areas Evaluation Committee since the July 15, 2014 meeting (68<sup>th</sup> meeting). The Board is voting member of the committee.
- Attended the July 24, 2014 meeting of the Association of Fish and Wildlife Agencies, Threatened and Endangered Species Policy Committee in St. Louis, MO, and sent summary notes to IDNR Director Miller. Ms. Mankowski is an appointed member of the committee on behalf of the IDNR.
- Attended the October 15, 2014 meeting of the Chicago Wilderness Executive Council in Chicago, IL. The Board is voting member of the council.
- Attended two days of the USFWS 2014 Region 3 T&E Coordinator's meeting in Davenport, IA, and submitted a report of Board activities for the last year. The Board has attended for decades these meetings between the USFWS and nine states, which provide opportunity for interagency updates and coordination regarding E&T listing, protection, regulation, and research and management activities.
- Prepared a draft of the required *ESPB Biennial Report, July 2012-June 2014* for approval by the Board at the November 2014 meeting. The final document will be posted to the Board's website and notice of its availability will be emailed to the Board's email distribution list.

## 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 157<sup>th</sup> meeting, held February 8, 2013.

### E&T consultation

- No activity.

### E&T incidental take authorization

- No activity.

### E&T translocation

- There was no activity on the planned INPC, IDNR, ESPB 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.

### E&T recovery planning and implementation

- Met several times with IDNR Natural Heritage Chief Ann Holtrop to discuss the existing ORC Recovery Planning Process and possible changes to be incorporated into a revision of the process. IDNR has not yet indicated whether the process is intended to be a joint IDNR/ESPB process or solely an IDNR process. Ms. Mankowski has conveyed that either way, if a recovery document proposes status review triggers, it should be approved by the Board.
- Continued coordination with IDNR ORC and INPC staff for development of a recovery outline for *Melanthium virginicum* (Bunchflower).

- Worked with IDNR Natural Heritage staff in developing a State Wildlife Grant proposal for implementation of parts of the *Recovery Outline with Status Review Triggers for the Illinois Endangered Eryngium Stem Borer (Papaipema eryngii)*.

#### ESPB/IDNR review and approval coordination

- No activity.

#### E&T monitoring/surveillance and reporting

- Met with IDNR Natural Heritage (Biotics) Database staff and Natural Heritage Division Chief Ann Holtrop to discuss and confirm the continued use of NatureServe element occurrence separation distances and source features and a possible protocol for Database to review requests for changing those elements in the Database.
- Met with IDNR Natural Heritage (Biotics) Database staff to discuss the different uses of acoustic data by various state and federal agencies for listed and non-listed bat species.
- Continued working on draft revised endangered and threatened species element occurrence reporting forms for use by the IDNR Natural Heritage (Biotics) Database and sent copies to Natural Heritage Chief Ann Holtrop for review and comment. The proposed 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.

#### Other

- Responded to questions from IDNR Legal Counsel regarding the review and revision of the Illinois List of Endangered and Threatened Species.
- Provided comments to IDNR Legal Counsel and ORC Wildlife regarding language in SB 3049 that made amendments to *520 ILCS 5/ Wildlife Code* for take of black bear, cougar, and grey wolf and conflicts with protections under the Illinois Endangered Species Protection Act and the US Endangered Species Act.
- 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 staff at the Illinois Natural History Survey, Shedd Aquarium, and Southern Illinois University about Illinois Endangered and Threatened Species Possession Permits and the process for submitting element occurrence reports to the Natural Heritage Database.
- Ms. Mankowski responded to an inquiry from staff at The Nature Conservancy about provisions of the Illinois Endangered Species Protection Act and regulations for endangered and threatened species consultation and incidental take authorization.
- Ms. Mankowski met with staff at the Shedd Aquarium to discuss different funding and grant opportunities for work involving endangered and threatened species surveys and research.
- Ms. Mankowski responded to a request from the USFWS to assist with information requests for some species involved in current listing petitions.

### **11. Field Work**

- None.

### **12. Other General Administration and Clerical Work**

- Coordinated with the IDNR Ethics Officer for Board members and staff to complete required Annual Ethics Training for Appointees to State Boards and Commissions.
- Conducted follow-up with Board members about correct and timely submittals of travel and time forms. Prepared and routed Board member and staff travel vouchers and timesheets.
- Conducted updates to ESPB budget tracking on ORC sharepoint.
- Regularly distributed information to individual Board members with whom staff are working on specific items.
- Completed moving the Board's "offices" to another location in the IDNR building.
- All aspects of follow-up from the August 15, 2014, ESPB meeting.
- All aspects of preparation for the November 14, 2014, ESPB meeting.