

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF A SPECIAL MEETING

MIDEWIN NATIONAL TALLGRASS PRAIRIE, WILMINGTON, IL

20 FEBRUARY, 2014

(Approved at the 162nd Meeting, May 16, 2014)

BOARD MEMBERS PRESENT: Ms. Lenore Beyer-Clow, Chair Dan Gooch, Dr. Joyce Hofmann, Ms. Susanne Masi, Mr. Jim Robinett, Ms. Laurel Ross, and Dr. John Taft

BOARD MEMBERS ABSENT: Secretary John Clemetsen, Dr. Jeff Walk, and Dr. Jim Herkert

BOARD MEMBER VACANCIES: None

OTHERS PRESENT: Mr. Bob Edgin (Illinois Nature Preserves Commission) and Ms. Anne Mankowski (Endangered Species Protection Board).

1 Call to Order Welcome and Introduction of Guests

Chair Gooch called the meeting to order at 1:00 P.M. and asked Board members to introduce themselves and noted that there was a quorum. He then asked audience members to introduce themselves.

2 Adoption of Agenda

Ms. Mankowski recommended moving agenda item 6 earlier in the meeting to accommodate travel consideration for Mr. Edgin, who was co-presenting for that item. Ms. Ross **made a motion** to move and renumber both agenda items 6 and 7 to immediately following agenda item 2. Mr. Robinett seconded the motion and it was **approved** unanimously.

Ms. Beyer-Clow joined the meeting at 1:10 P.M.. Chair Gooch welcomed her as a newly appointed member of the Board.

3 Presentation – Proposed approval of Recovery Outlines with Status Review Triggers for the Illinois Endangered *Carex alata* (Broad-winged Sedge), *Clematis viorna* (Leatherflower), *Heteranthera reniformis* (Mud-plantain), *Hypericum adpressum* (Creeping St. Johnwort), *Iresine rhizomatosa* (Bloodleaf), *Penstemon tubaefflorus* (Beardtongue), *Polygonum arifolium* (Halbred Leaf Tearthumb), *Silene regia* (Royal Catchfly), and the Illinois Threatened *Styrax americana* (American Snowbell)

Ms. Mankowski introduced Mr. Edgin, Illinois Nature Preserves Commission Protection Specialist, as co-presenter and noted that these nine plant recovery outlines represented a significant effort in cooperative recovery planning for the Board and the Commission. She explained that Mr. Edgin does a great deal of endangered and threatened species monitoring and reporting to the database, has been working on localized recovery activities for the subject species, and she was pleased when he approached her about working together on statewide recovery planning documents for those same species. Mr. Edgin stated that he was pleased Ms. Mankowski was willing to work together on the documents and hoped that they will benefit statewide recovery and be helpful to him locally, noting his current particular interest for the documents to help inform and guide activities for several interagency environmental mitigation projects with which he is involved.

Ms. Mankowski reviewed with the Board that the plant outlines proposed for approval by the Board are

endpoint documents, in that none currently prescribe further development of information or strategies into a full recovery plans. She explained that the documents fulfill requirements of the DNR Office of Resource Conservation Endangered and Threatened Species Recovery Planning Process, no comments were received from respective Department or Commission staff during the review process, and they were now being brought to the Board for approval, as necessary because they include proposed listing status review triggers and only the Board can approve those. She noted that several bird and mammal outlines had been similarly developed and brought to the Board for approval in the past.

Ms. Mankowski and Mr. Edgin explained that the outlines are similar in format and address at least the required elements in the IDNR Office of Resource Conservation Endangered and Threatened Species Recovery Planning Process, and then began presenting each outline to the Board. In their presentations, they reviewed the same key elements; historic and current distribution, the number of element occurrences with observations in List review 5-year intervals, reasons for status and threats, proposed listing status review triggers, and recommended recovery strategies.

The Board discussed that the outlines prescribe that all translocation activities should be compliant with the joint Illinois Nature Preserves Commission, Illinois Endangered Species Protection Board, and Illinois Department of Natural Resources Plant Translocation Policy and reviewed some elements of the policy. The Board noted that the policy does not address assessing receiving locations for potential impacts upon listed species from proposed plantings. Chair Gooch recommended the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings. Ms. Mankowski noted that such assessment should be standard procedure for Board, Commission, and Department staff, so adding the text should not represent a substantive change to the documents. Mr. Edgin agreed and confirmed that such assessment is part of his evaluation when conducting such activities. Ms. Mankowski and Mr. Edgin agreed that they would amend each document to include the recommended text. The Board also had general discussion for each outline about species biology and threats, the proposed recovery strategies and listing status review triggers, and individual Board member's experience with the species.

Following general discussion of the outline, Ms. Ross **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Endangered *Carex alata* (Broad-winged Sedge), Dr. Hofmann seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Dr. Taft **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Endangered *Clematis viorna* (Leatherflower), Ms. Ross seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Ms. Masi **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Endangered *Heteranthera reniformis* (Mud-plantain), Mr. Robinett seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Dr. Hofmann **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status

Review Triggers for the Illinois Endangered *Hypericum adpressum* (Creeping St. Johnwort), Dr. Taft seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Mr. Robinett **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Endangered *Iresine rhizomatosa* (Bloodleaf), Ms. Masi seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Ms. Masi **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Endangered *Penstemon tubaeflorus* (Beardtongue), Ms. Ross seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Ms. Ross **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Endangered *Polygonum arifolium* (Halbred Leaf Tearthumb), Dr. Hofmann seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Ms. Masi **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Endangered *Silene regia* (Royal Catchfly), Ms. Beyer-Clow seconded the motion, and it was **approved** unanimously.

Following general discussion of the outline, Mr. Robinett **moved** to approve, with the addition of text within the strategies of each outline to prescribe assessing for potential impacts upon other listed species from translocation plantings during the planning for those plantings, the Recovery Outline with Status Review Triggers for the Illinois Threatened *Styrax americana* (American Snowbell), Dr. Hofmann seconded the motion, and it was **approved** unanimously.

The Board then thanked Mr. Edgin and Ms. Mankowski for their work on the recovery outlines and expressed appreciation that effort is being made, and cooperatively, for recovery planning as it is supportive of the duties of all three agencies the Board, the Commission, and the Department, and will be useful for other resource managers, as well. Ms. Mankowski indicated that the final recovery outlines, as approved by the Board, will be posted to the Board's website.

4 Presentation – Proposed approval of the Recovery Outline with Status Review Triggers for the Illinois Endangered Eryngium Stem Borer (*Papaipema eryngii*)

Ms. Mankowski introduced this recovery outline by explaining that it differed from the plant outlines just approved, because while the plant outlines were endpoint documents, the overall prescription for the Eryngium Stem Borer includes further development of information and strategies to inform development of a full recovery plan for the species. The document brought to the Board fulfills requirements of the DNR Office of Resource Conservation Endangered and Threatened Species Recovery Planning Process through the steps in the process where respective agencies approve the outline as agreement with moving forward with the development of a full recovery plan. She reviewed that staff of the Department, Commission, and she for the Board, had already provided that agreement and the document was now being brought to the Board for approval because it includes proposed listing status review triggers and

only the Board can approve those. She explained that there will be additional review and comment steps as the recovery plan is developed and the draft final recovery plan will require approval of the Board for the Chair's signature before it becomes official.

The Board discussed the document and Ms. Ross asked that the term "larval infestation" be changed to "larval colonization" when describing occurrence of larvae in plants, suggesting the latter had less negative connotation. Ms. Mankowski agreed to make the change, noting that it did not represent a substantive change to the document. Consistent with recommended changes to the plant outlines, the Board then recommended the addition of text within the strategies to prescribe assessing for potential impacts upon other listed species from Rattlesnake Master plantings and Eryngium Stem Borer releases during planning for each of those activities. Ms. Mankowski noted again that such assessment should be standard procedure for Board, Commission, and Department staff, so adding the text should not represent a substantive change to the document. However, since the review process for this document had required approval of the outline as agreement and for moving forward with recovery planning, she suggested that she confirm with respective agency staff that had already approved the document that they had no objection to the additional text.

Following discussion, Dr. Taft **moved** to approve the Recovery Outline with Status Review Triggers for the Illinois Endangered Eryngium Stem Borer (*Papaipema eryngii*) pending approval for the addition of text within the strategies to prescribe assessing for potential impacts upon other listed species from rattlesnake master plantings and Eryngium Stem Borer releases during planning for each of those activities, by respective agency staff who had already approved the document as agreement for moving forward with recovery planning. Dr. Hofmann seconded the motion and it was **approved** unanimously.

5 Approval of Minutes from the 160th (11/15/13) Meeting, Minutes from the 10/11/13 Special Meeting, Minutes from the closed session of the 158th (05/18/13) Meeting, and Minutes from the closed session of the 160th (11/15/13) Meeting

Chair Gooch asked for a motion to approve the 160th meeting minutes. Ms. Ross so **moved** and Mr. Robinett seconded the motion. Ms. Mankowski noted typographic corrections under items 160-1 and 160-10 that Dr. Hofmann had previously brought to her attention. Noting no substantive changes, Chair Gooch asked for a vote to approve the minutes with typographic corrections and they were **approved** unanimously.

Chair Gooch asked for a motion to approve the 10/11/13 special meeting minutes. Dr. Hofmann so **moved**, Mr. Robinett seconded the motion, and it was **approved** unanimously.

Chair Gooch distributed copies of minutes from the closed session of the 158th meeting, asked members to review them, and then asked for a motion to approve them. Mr. Robinett so **moved**, Ms. Ross seconded the motion, and it was **approved** unanimously. Chair Gooch then collected the copies that had been distributed, noting that closed session minutes are exempt from the public record and those related to personnel matters are also be kept confidential, accordingly.

Prior to discussing the minutes from the closed session of the 160th meeting, Ms. Masi asked to discuss personnel matters.

6 Closed Session (personnel matters)

In response to Ms. Masi's request, Chair Gooch explained that the Board should move to closed session to discuss personnel matters under Open Meetings Act exception 2(c)(1) and asked for a motion to do so, noting the change in agenda item order. Ms. Masi so **moved** and Dr. Taft seconded the motion. Chair Gooch took a vote of individual members and all members, Beyer-Clow, Gooch, Hofmann, Masi,

Robinett, Ross, and Taft, **approved** the motion to go to closed session. The closed session was held from 3:50 P.M. until 4:16 P.M..

7 Next Meeting Information

The Board returned to open session and Chair Gooch reviewed that the Board's next regularly scheduled meeting will be February 21, 2014 at 9:30 A.M. at Midewin National Tallgrass Prairie.

8 Public Comment Period (3 minutes per person)

There were no public comments.

9 Other Business

There was no other business.

10 Recess the Special Meeting until February 21, 2014.

Chair Gooch asked for a motion to recess the current meeting and reconvene the next day following the conclusion of the 161st meeting to address outstanding special meeting agenda items. Ms. Ross so **moved**, Ms. Masi seconded the motion, and it was **approved** unanimously. The meeting was recessed at 4:20 P.M. on February 20, 2014.

11 Call to Order the Reconvened Special Meeting, Introduction of Members, and Introduction of Guests

Chair Gooch called the meeting to order at 1:20 P.M. on February 21, 2014. He asked Board members to introduce themselves and noted that there was a quorum. He then asked audience members to introduce themselves.

BOARD MEMBERS PRESENT: Ms. Lenore Beyer-Clow, Chair Dan Gooch, Dr. Joyce Hofmann, Ms. Susanne Masi, Mr. Jim Robinett, Ms. Laurel Ross, Dr. John Taft, and Dr. Jeff Walk

BOARD MEMBERS ABSENT: Secretary John Clemetsen and Dr. Jim Herkert

BOARD MEMBER VACANCIES: None

OTHERS PRESENT: Ms. Jeannie Barnes (Illinois Natural History Survey); Ms. Bridget Henning and Ms. Jenny Skufca (Illinois Department of Natural Resources); Mr. Randy Heidorn (Illinois Nature Preserves Commission); and, Ms. Anne Mankowski (Endangered Species Protection Board).

12 ESPB Budget

Ms. Mankowski reviewed expenditures for the current fiscal year. She explained that while the Board was not given headcount for additional staff, the Board had funding to support hiring staff contractually and although she had been working on different attempts since July to move forward with hiring, much of this was out of her hands and the Board needs to wait for follow-up from IDNR Human Resources (HR). She reviewed that the contract for hiring a part-time, temporary, executive assistant had not been executed properly and had to be terminated after two weeks. IDNR HR had advised that paperwork was submitted in January to establish personnel action requests (EPARs) for both an emergency contract and a 75-day contract electronic to rehire the position properly, but she had not received word about the status of the EPARs. She also noted that she had not been able to gain feedback or approval from IDNR HR about the steps and documents necessary to hire professional staff contractually. She indicated that she would continue attempting to gain update from IDNR HR.

Ms. Mankowski then moved to a discussion about compensation for her overtime. She reviewed that she

can be compensated with either cash pay or earned equivalent time off (compensatory time) at a 1:1 ratio. The Board had previously approved compensating most of her overtime with cash pay, since she is covering the duties of four staff positions and during the especially intensive List review effort, and since accumulating and liquidating compensatory time is counterproductive to the Board performing its duties in a responsible and meaningful manner. She reviewed that at the beginning of the fiscal year the Board had approved cash payment of overtime up to the same number of hours paid in the previous fiscal year, 236 hours. In between the November and February Board meetings, Ms. Mankowski had reviewed with Chair Gooch that she would need to exceed the 236-hour threshold in order to accommodate the prescribed workload heading into the February meetings. Chair Gooch, as her supervisor, approved exceeding the threshold in order to meet the needs of the Board and accommodate those requesting agenda items for the February meetings. They agreed to review the situation with the Board during the current meeting and discuss approving a new threshold or alternative actions. The Board discussed the matter further and agreed to a new overtime cash pay threshold of 400 hours for the fiscal year. Dr. Walk **moved** to approve an overtime cash pay threshold of 400 hours for the fiscal year for Ms. Mankowski, Mr. Robinett seconded the motion, and it was **approved** unanimously.

The Board then discussed the need to scale back on the time demands upon Ms. Mankowski, noting that she has been working considerable overtime for her entire tenure of over 5 years in order to catch-up due to the Board not having staff for several years prior to her arrival and to meet the ongoing needs of the Board. The Board agreed that while her effort to date has been valuable, it does not seem reasonable or sustainable to continue in the same way. Ms. Ross and Ms. Beyer-Clow noted that until a time when the Board has additional staff, it may be appropriate for Ms. Mankowski and the Board to not do some things she and the Board are asked to do and it may mean the Board does not meet some of its required duties. Dr. Walk agreed to work with Ms. Mankowski on prioritizing work items toward this end.

13 ESPB Policy Manual Updates

Ms. Mankowski reviewed proposed updates to the Board's Policy and Operations Manual. The changes include items already approved by the Board during the course of meetings since the last revision; changes or updates dictated by requirements of the Ethics Act, Open Meetings Act, or otherwise; some revisions to Board hiring procedures; and, removal of staff position descriptions. The Board discussed and made some edits to the proposed revisions. Following discussion, Ms. Beyer-Clow **moved** to approve the changes as discussed, Ms. Ross seconded the motion, and it was **approved** unanimously. Ms. Mankowski advised that she would provide all Board members an updated version of the manual and send a copy to the Office of the Executive Inspector General, as required.

14 Board Appointments

Ms. Mankowski reported that there was no news about Board appointments.

15 Adjournment

Dr. Walk **moved** to adjourn, Mr. Robinett seconded the motion, and it was **approved** unanimously. The meeting was adjourned at 2:50 P.M.