

ILLINOIS NATURE PRESERVES COMMISSION

Minutes of the 238th Virtual Meeting
(Subject to approval at the 239th Meeting)

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702

May 11, 2021

238-1) **Call to Order, Roll Call, and Introduction of Attendees**

Commissioner Covington called the meeting to order at 10:00am and Stacy Burkett read the roll call.

Commissioners Present: George Covington, Pen DauBach, Donnie Dann, Deborah Stone, William McClain, David Thomas, Abigail Derby Lewis, Jo-Elle Mogeran

Commissioners Absent: Charles Ruffner

Commission Advisors Present: Eric Schaubert, Illinois Natural History Survey (INHS); Joyce Hofmann, Endangered Species Protection Board (ESPB)

Commission Consultants Present: Fran Harty, The Nature Conservancy (TNC); Kerry Leigh, Natural Land Institute (NLI); Randy Heidorn

Others Present: John Rogner, Assistant Director IDNR, Valerie Njapa, Kelly Neal, Stacy Burkett, John Griesbaum, Angella Moorehouse, Kim Roman, Sami Childerson, John Nelson, Debbie Newman, Byron Paulsen, Kevin Sierzega, Illinois Nature Preserves Commission (INPC); Ann Holtrop, Todd Strole, Jeannie Barnes, John Wilker, Leon Hinz, Jenny Skufca, Michelle Simone, Melissa Grycan, IDNR Division of Natural Heritage (DNH); Nathan Grider, Dawn Cobb, IDNR Office of Realty and Capital Planning; Jim Anderson, Patti Vitt, Lake County Forest Preserves District; Amy Doll, Eriko Kojima, Matt Evans, Friends of Illinois Nature Preserves; Randy Locke, Eric Plankell, Illinois State Geological Survey (ISGS); Aaron Lange, Bill Kleiman, The Nature Conservancy (TNC); Jill Kennay, Natural Land Institute (NLI); Sam Kilgore, The Conservation Foundation (TCF); Frances Kane, Illinois Clean Energy Community Foundation (ICECF); Santiago Aurelio Mota, Practice Landscape; David Holman.

238-2) **Adoption of Agenda**

It was moved by Commissioner McClain, seconded by Commissioner DauBach, and carried that the Agenda be adopted.

238-3) **Minutes for the 237th and 238th Meetings to be Approved at the 239th Meeting on September 14, 2021**

Commissioner Covington read the following:

At the 237th Meeting of the INPC, held on January 26, 2021, at the Illinois Department of Natural Resources, Springfield, Illinois, legal protection was completed by the Commission for five tracts of land totaling 463.5 acres. Three of the five tracts are privately owned, and two are publicly owned. The individuals and organizations who own the private sites donated the value of the protection agreement to the public. Lands protected include the Ralph Clover Land and Water Reserve; Addition to Casper Bluff Land Water Reserve; Daisy Hill Prairie Nature Preserve; Charlotte and Dan Brady Woods Nature Preserve; and Broberg Marsh Nature Preserve.

Protection of these lands came about because the Commission had eight staff in the field working with private and public landowners. There are 407 dedicated nature preserves totaling approximately 61,066 acres; and there are 200 registered land and water reserves totaling approximately 54,847 acres.

238-4) **Next meeting date and location**

239 th Meeting	September 14, 2021	WebEx Virtual Meeting
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238-5) **INPC Staff Report**

APPENDIX I

REPORT

Leon Hinz, Director (Temporary Assignment)
Illinois Nature Preserves Commission

Matt Evans, President

Amy Doll, Director

Friends of Illinois Nature Preserves

APPENDIX II

238-6) **IDNR Staff Report**

APPENDIX III

REPORT

Ann Holtrop, Chief
Division of Natural Heritage

238-7) **Endangered Species Protection Board Report**

APPENDIX IV

REPORT

Joyce Hofmann
Endangered Species Protection Board

❖ NOTE: Item 16 of the agenda was presented after Item 7

238-8) **Kankakee Co. – Addition to Tallmadge Savanna Land and Water Reserve, Registration**

Tallmadge Savanna is a 312.6-acre land and water reserve located within the Kankakee Sand Area Section of the Grand Prairie Natural Division of Illinois and is owned and managed by the Illinois Chapter of The Nature Conservancy. The original land and water reserve acres were registered in 2004 as “Tallmadge Sand Forest”; the landowner has changed its name to “Tallmadge Savanna” to more accurately reflect the significant feature of this land and water reserve. This site is comprised of sand savanna, sand forest, sand

flatwoods, and old field communities, and provides habitat for five state-listed species: crowded oval sedge (*Carex cumulata*), Carey's heartsease (*Polygonum careyi*), primrose violet (*Viola primulifolia*), bristly blackberry (*Rubus schneideri*), and regal fritillary butterfly (*Speyeria idalia*). Additionally, it lies within the Kankakee Sands Conservation Opportunity Area, and provides habitat for at least four wildlife Species of Greatest Conservation Need. The Illinois Chapter of The Nature Conservancy wishes to register in perpetuity three individual parcels, which total 223.5 acres, and adjoin the existing 312.6-acre land and water reserve. The 223.5-acre proposed addition includes a 125-acre Illinois Natural Areas Inventory site, shares many of the same natural features and communities as the existing land and water reserve, and is primarily comprised of dry sand savanna, dry-mesic sand savanna, dry-mesic sand forest, and old field communities. Registration of the three tracts as an addition to Tallmadge Savanna Land and Water Reserve will protect an INAI site in its entirety, additional acreage of plant and animal habitat in a regionally important landscape, buffer habitat of known occurrences of endangered and threatened plant species within the existing land and water reserve, and help complete good reserve design by nearly doubling its size. It is therefore recommended by the Illinois Nature Preserves Commission field staff that the three parcels totaling 223.5 acres be registered in perpetuity as an addition to Tallmadge Savanna Land and Water Reserve. Registration of these tracts will bring the total registered acreage of this site to approximately 536 acres.

It was moved by Commissioner Stone, seconded by Commissioner Dann, that the following resolution be approved:

The Commission grants approval for the registration of the Addition to Tallmadge Savanna as an Illinois land and water reserve, as described in the proposal presented under Item 8 of the Agenda for the 238th Meeting.

(Resolution 2524)

238-9) **Lee and Ogle Cos. – Addition to Nachusa Grasslands Nature Preserves, Preliminary Dedication**

The Nature Conservancy requested preliminary approval for dedication of 124.49 acres as nature preserve addition to the existing 987.76-acre Nachusa Grasslands Nature Preserve. The nature preserve is located within the Oregon Section of the Rock River Hill Country Natural Division of Illinois and was first dedicated in January 2013. Upon approval of this proposed addition, the total area of this nature preserve will increase to 1,112.25-acres. The Nachusa Grasslands Nature Preserve and proposed addition represent a “core area” of a much larger functionally restored prairie ecosystem that is managed by the Illinois Chapter of The Nature Conservancy and its volunteers. This larger area currently encompasses 4,000 acres of restored prairies, oak savannas, woodlands, and wetlands. Together, these lands represent one of the largest prairie landscapes in Illinois. The land proposed as nature preserve addition herein is located within the Nachusa Grasslands Illinois Natural Areas Inventory site (INAI #0685) which encompasses over 5,000 acres of natural communities and agricultural lands. This INAI site is recognized for its numerous high-quality relict natural communities, extensive grassland habitat, and 3 suitable habitat for several state-listed plants and animals. The site is especially important habitat for numerous grassland dependent bird species which are in severe decline throughout much of Illinois and beyond. The existing nature preserve, and proposed addition contain a rich diversity of plant species found in several restored high-quality relict natural communities and also within outstanding examples of re-created prairies. The preserve owes much of its restoration success to the many volunteer stewards who donate thousands of hours of personal time every year to help manage and restore this impressive native prairie landscape.

The original dedication of the Nachusa Grasslands Nature Preserve was unique for the Illinois Nature Preserves System as it represented the first time bison grazing was approved as part of a nature preserve dedication. The land proposed herein as nature preserve addition will likewise be available to the Nachusa bison herd.

Illinois Nature Preserves Commission staff recommended preliminary approval for dedication of this addition to the Nachusa Grasslands Nature Preserve.

Commissioner Thomas praised Bill Kleiman on an excellent presentation. He continued to say that The Nature Conservancy has a strategy to connect natural areas and make corridors for the movement of species as our climate changes. Commissioner Thomas also said that maybe as a Commission, we need to look at different ways of connecting corridors because it is going to involve some lands that would not normally be a nature preserve or a land and water reserve but may have an importance in providing connectivity. Maybe down the road there will be room for additional discussion and maybe those areas can be categorized as buffer areas.

Commissioner Covington shared that the Nachusa Grassland is a spectacular site. He said he remembers when Ralph Burnett made a bid at an auction to acquire the first several hundred acres of Nachusa and it has come a long way since then.

Commissioner Dann echoed what everyone else said and will vote on this issue because he has completed his maximum 24 years on the Board and happy to say aye when his name is called.

Commissioner McClain mentioned that one of the slides said, “we lost prairie in Illinois”. Part of the Commission’s mission is bringing it back little by little. And looking at the Anderson Estate, that 160 acres is there to be restored and that’s the real importance of having these remnants that we can use as a source of seed, but also as templates to do the restoration. The work at Nachusa is marvelous and everyone should be absolutely thrilled. Commissioner McClain thanked those who are involved.

Fran Harty thanked all of the people involved in these dedications. The Nature Conservancy owns both of these tracts and Kim Roman, John Nelson, Aaron Lange, Bill and Cody have worked extremely hard to get these sites ready for dedication. Thank you!

Commissioner Thomas recused himself from the vote as he is on The Nature Conservancy Board.

It was moved by Commissioner Dann, seconded by Commissioner McClain, that the following resolution be approved:

The Commission grants preliminary approval for the dedication of the Addition to Nachusa Grasslands as an Illinois nature preserve, as described in the proposal presented under Item 9 of the Agenda for the 238th Meeting.

(Resolution 2525)

238-10) **McHenry Co. – John C. Wilson Woods Addition to Elizabeth Lake Nature Preserve, Preliminary Dedication**

The Illinois Department of Natural Resources (IDNR) requested preliminary approval for dedication of the 52.5-acre John C. Wilson Woods Addition to Elizabeth Lake Nature Preserve, located within the Morainal Section of the Northeastern Morainal Natural Division of Illinois. The existing 213-acre nature preserve is owned and managed by the McHenry County Conservation District (MCCD). The proposed addition contains 16 acres of Elizabeth Lake INAI#1014; and provides protection to Grade C dry-mesic savanna and wetland communities on site, as well as provides buffer to adjacent protected wetlands. The Elizabeth Lake INAI site is recognized as Category I due to its large, diverse, high-quality wetland, pond, and lake natural communities; and Category II due to the presence of state-listed species. The MCCD will perform management and restoration activities for the addition under an INPC-approved management plan and Memorandum of Understanding between landowners. The proposed addition lies within the contribution area for the Elizabeth Lake Nature Preserve's Class III Special Resource Groundwater Area. If approved, this addition to Elizabeth Lake Nature Preserve will bring the total acreage of protected land at this site to 265.5 acres.

Commissioner McClain commented that there are ancient live oak trees which he finds very special.

Melissa Grycan agreed and said you can add grass and seed, but you can't get those 300-year-old oak trees back.

It was moved by Commissioner McClain, seconded by Commissioner Derby Lewis, that the following resolution be approved:

The Commission grants preliminary approval for the dedication of the John C. Wilson Woods Addition to Elizabeth Lake as an Illinois nature preserve, as described in the proposal presented under Item 10 of the Agenda for the 238th Meeting.

(Resolution 2526)

238-11) **Cook Co. – Somme Prairie Grove Nature Preserve, Final Dedication**

The Forest Preserves of Cook County (FPCC) requested final approval for dedication of the Somme Prairie Grove Nature Preserve. The Somme Prairie Grove Nature Preserve (~85 acres) is part of a larger complex of preserves (approx. 730-acres) found along the west fork of the 4 North Branch of the Chicago River near Northbrook, IL. The nature preserve includes a small amount of remnant prairie and savanna, along with one of the oldest and most comprehensive savanna and woodland restorations in the Midwest, portions of which have been graded B by the Illinois Natural History Survey.

Somme Prairie Grove is included within the Somme Prairie Illinois Natural Areas Inventory (INAI #0245) site and is located within the Morainal Section of the Northeastern Morainal Natural Division of Illinois. The western 70 acres of the Somme Prairie INAI site were dedicated as Somme Prairie Nature Preserve in September 1981 for Grade A and B dry-mesic, mesic, and wet-mesic prairie. This is one of the finest examples of a mesic prairie in Illinois. The original Somme Prairie INAI site was first evaluated in July 1976. It was then described as an 81-acre natural area with 12 acres of Grade A and B mesic prairie. Mesic prairie is the rarest prairie community type in Illinois. The site was expanded to its current size (408.5 total acres) in 2000 to include Somme Prairie Grove and suitable habitat supporting three state-endangered plants. While the current INAI does not list the presence of high-quality plant communities within the proposed Somme Prairie Grove Nature Preserve, surveys by the Illinois Natural History Survey in 2015-2016 determined the site now supports high-quality

(Grade B) mesic savanna and dry-mesic woodland. At the time of survey, 8.25 acres of mesic savanna and 9.35 acres of dry-mesic woodland were graded B. Another 63.79 acres of mesic savanna was graded C+, a descriptor used for an area with high potential to be restored to Grade B. Another 0.8 acres of C+ sedge meadow also occurs within the proposed nature preserve.

The only change to this dedication since preliminary approval is a finding during the legal survey of the existence of a very old platted roadway that was never constructed (see plat of survey in instrument of dedication). The FPCC will be seeking to have this roadway legally vacated.

Illinois Nature Preserves Commission staff and staff of the Forest Preserves of Cook County recommended final dedication of ~ 85 acres as the Somme Prairie Grove Nature Preserve.

Commissioner Dann shared that the area across the street from Somme Woods is larger than the other two nature preserves combined. Is it an INAI site and if so, what are the challenges and time required to make it suitable. Commissioner Dann also shared that he lives very close to the sight and can see its huge potential.

John Nelson responded by saying that it is an INAI site. In discussions with Chip and other staff of the Forest Preserve District, they believe that Somme Prairie Grove is ready for prime time. Somme Woods is a work in progress and will be a future dedication either as an addition or as its own nature preserve. John said he looks forward to working with them to bring that forward in the future.

Commissioner McClain shared that the prairie photo looks marvelous. Lots of diversity and he received a note from Steve Packard yesterday saying they have data dating back to 1982 on that original site, which was the question Commissioner McClain had asked at the last meeting.

Commissioner Stone recused herself to prevent the appearance of a conflict.

It was moved by Commissioner Dann, seconded by Commissioner Mogerma, that the following resolution be approved:

The Commission grants final approval for the dedication of Somme Prairie Grove as an Illinois nature preserve, as described in the proposal presented under Item 11 of the Agenda for the 238th Meeting.

(Resolution 2527)

238-12) **Lake Co. – Schreiber Lake Bog Nature Preserve, Final Dedication**

The Lake County Forest Preserve District requested final approval to dedicate 355.4 acres of the 2,835.1-acre Lakewood Forest Preserve as the Schreiber Lake Bog Nature Preserve. The site is located within the Morainal Section of the Northeastern Morainal Natural Division of Illinois. The rolling kettle and moraine topography of the proposed nature preserve is a direct result of glacial influences, creating strong physical relief terrain. The site consists of a mosaic of upland oak/hickory woodlands, sedge meadow and wet prairie communities, cultural fields containing 30+year old reforestation plantings, successional fields, and prairie restoration plantings. A significant feature of this dedication is the 5.36-acre glacial lake (Schreiber Lake) and its narrow fringe of floating sedge and willow hummocks that line portions of the lake's edge. These floating vegetative mats provide habitat for six state-listed northern relict bog plant species. Additionally, two state-listed aquatic emergent

macrophytes occur in the regionally noted exceptionally clear waters of Schreiber Lake. Schreiber Lake and the downstream artificial impoundments of Owen and Davis Lakes encompass two Lake County Advanced Identification (ADID) wetlands (ADID #124 & #125) and Illinois Natural Areas Inventory Site (INAI #1502) Schreiber Lake Bog. The proposed nature preserve also provides habitat to 67 bird species, of which at least seven are state-endangered.

There are currently three nature preserves located within Lakewood Forest Preserve owned by the Lake County Forest Preserve District: Wauconda Bog Nature Preserve, McLean Woods and Wetlands Nature Preserve, and Broberg Marsh Nature Preserve. Along with the final dedication of Schreiber Lake Bog, these four nature preserves will encompass an impressive 1,317 acres.

Illinois Nature Preserves Commission staff and staff of the Lake County Forest Preserve District recommended dedication of 355.4 acres of the Lakewood Forest Preserve as the Schreiber Lake Bog Nature Preserve.

It was moved by Commissioner DauBach, seconded by Commissioner Derby Lewis, that the following resolution be approved:

The Commission grants final approval for the dedication of Schreiber Lake Bog as an Illinois nature preserve, as described in the proposal presented under Item 12 of the Agenda for the 238th Meeting.

(Resolution 2528)

238-13) **McHenry Co. – Irish Oaks Savanna Nature Preserve. Final Dedication**

The Land Conservancy of McHenry County requested final approval to dedicate approximately 40 acres as the Irish Oaks Savanna Nature Preserve. The nature preserve includes a portion of the Harvard Savanna Illinois Natural Areas Inventory (#1268) site. The qualifying feature is a Grade C dry-mesic savanna, best of its kind within the Morainal Section of the Northeastern Morainal Natural Division of Illinois. Presently, the Irish Oaks Savanna INAI site provides habitat for seven bird Species of Greatest Conservation Need identified in the Illinois Wildlife Action Plan, and one bird species on the watch list. This list is likely to grow over the next few years since the property was acquired only a few years ago, and the savanna and associated wetlands are being restored. The Irish Oaks Savanna is unique today as it represents one of the best remaining examples of the oak savanna natural communities that once existed within the Morainal Section of the Northeastern Morainal Natural Division. While the site suffers from a proliferation of trees and other associated woody vegetation, its relatively limited land conversion history makes this preserve a remarkable opportunity for restoration that will benefit many species of wildlife. Volunteers and staff of The Land Conservancy of McHenry County have already cleared woody vegetation on approximately half of the site. Once fully restored, Irish Oaks Savanna Nature Preserve will be a fine example of the oak savanna and associated wetlands that once dominated this landscape.

The INPC granted preliminary approval for dedication at the 237th meeting. Since that meeting, a Blanding's turtle was found on-site confirming this as suitable habitat for a state endangered animal.

Illinois Nature Preserves Commission staff recommended final approval for dedication of the Irish Oaks Savanna Nature Preserve.

It was moved by Commissioner Thomas, seconded by Commissioner DauBach, that the following resolution be approved:

The Commission grants final approval for the dedication of Irish Oaks Savanna as an Illinois nature preserve, as described in the proposal presented under Item 13 of the Agenda for the 238th Meeting.

(Resolution 2529)

238-14) **Monroe Co. – Maher’s Woods Nature Preserve, Final Dedication**

The proposed Maher’s Woods Nature Preserve (NP) is a 16.49-acre site in the bluffs of southwestern Illinois, south of St. Louis, located within the Northern Section of the Ozark Natural Division. Maher’s Woods is part of the 724-acre Potato Hill Illinois Natural Areas Inventory (INAI) site (#200). The proposed preserve consists of 0.5 acre of Grade A loess hill prairie intermingled with approximately 16 acres of Grade C mature, second-growth dry woodland, and Grade A limestone cliff community. The proposed preserve contains a small population of the state-endangered stickleaf (*Mentzelia oligosperma*) and contains habitat for a listed snake species.

The site supports several campaigns identified in the Illinois Wildlife Action Plan (IWAP), including the Forests Campaign, the Invasive Species Campaign, and the Land & Water Stewardship Campaign. The site is located within IWAP’s Bluff Corridor/Karst Conservation Opportunity Area (COA), and the Southwestern Illinois Wildlife Action Plan (SWIWAP) partnership area. Dedication of the proposed preserve would assist in fulfilling the partnership’s strategic plan goals. These include preserving and stewarding additional acres of hill prairie, glade and forest and their associated species in the COA; addressing invasive species in the COA; encouraging landholders and policy makers to adopt sound land and wildlife management practices; and seeking resources and funding to implement goals of the SWIWAP.

The proposed Maher’s Woods Nature Preserve is owned by Gertrude ‘Sue’ Parada. The proposed preserve has been in Mrs. Parada’s family for many decades. Mrs. Parada is committed to permanently protecting her family’s land and excited about preserving and managing the significant natural resources found on the property.

Preliminary approval for dedication was given to Maher’s Woods at the 234th meeting of the Illinois Nature Preserves Commission on January 22, 2020 (Resolution #2491). Note: the site was given preliminary approval at the 234th meeting as a 25-acre site; since that time, our boundary survey found the site to be comprised of 16.49 acres. A portion of the Grade A hill prairie was found to be on the neighbor’s property, thus the amount of prairie on Maher’s Woods has been revised to include 0.5 acre.

Commissioner DauBach thanked the Parada family for their generosity in moving forward with this dedication. It is a wonderful property and wonderful also to have more of these sites in Southwestern Illinois saved. Commissioner DauBach also thanked Debbie for all of her work on this.

Commissioner Derby Lewis underscored what Commissioner DauBach already said, with deep gratitude to the family. Building off of yesterday’s conversation, it will be interesting as time moves on and relationship building continues, not only to be able to tell this wonderful story about the Mississippian culture and past culture within that area and on that site, but also to invite present

representatives of tribal communities into thinking about how to tell that story. Commissioner Derby Lewis said she really looks forward to that.

Commissioner Covington asked if there has been any contact with the owners of the adjoining property about clarifying the boundary.

Debbie Newman responded that the adjacent property owners don't have any idea where their boundary is. The properties are really old French land grant surveys. The deeds at the courthouse refer to no legal descriptions that we would refer to today. Debbie said she has had conversations with the adjacent landowners, and they are friendly and conservation people. However, she doesn't know if they will want to protect their land, but we are hoping that they will. To underscore their conservation commitment, Debbie said they will be working on Maher's Woods NP stewardship and the adjacent neighbors have been fine with them doing stewardship on their land. Right now there is not a massive threat to the prairie that is not being included in this preserve, unless a pipeline or powerline came through in the unprotected part of the prairie.

Sue Parada addressed the group and said she couldn't be happier about this. Her family has loved the land for so long and it is so special to them. She herself has been on the property for 54 years. She said her father was Irish, and he said it was like a second home living up in the bluffs with all the animals. Her mother is German and French, and she wasn't up in the bluffs as much as the rest of them. Sue's daughter teaches at the University of Wisconsin, her PhD is in genetics, and she will be retiring at the end of this month, so she is all for it. Sue continued to say she is a widow and married a man who came from Panama who was also very much into conservation and wildlife. She has a son who is a CNA and is not involved but works with patients in hospice. She has two other sons, Sean and Blaine, who have worked very hard reading old papers and titles. She is very proud of them. Her son, Sean, has done research on the family and found they are part of Central and Latin American Indian tribes. This place is very special to all of us. Blaine gave a quick shout out to Debbie for going above and beyond, and he wanted to make sure she was recognized. Sue also told Debbie thank you, she sends hugs and has truly enjoyed working with her, and her family looks forward to that continuing.

It was moved by Commissioner DauBach, seconded by Commissioner McClain, that the following resolution be approved:

The Commission grants final approval for the dedication of Maher's Woods as an Illinois nature preserve, as described in the proposal presented under Item 14 of the Agenda for the 238th Meeting.

(Resolution 2530)

238-15) **Winnebago Co. – Burr Oak Valley Nature Preserve, Final Dedication**

The Natural Land Institute (NLI) requested final approval to dedicate approximately 98.93 acres as the Burr Oak Valley Nature Preserve. The site is located within the Winnebago Drift Section of the Eastern Morainal Natural Division of Illinois. The qualifying features for dedication as a nature preserve are suitable habitat for four state-listed plant species and one federally listed insect. A Grade C dry dolomite prairie is also a significant feature. The dolomite prairie has been nominated for inclusion on the Illinois Natural Areas Inventory (INAI) as a Category I, best of its kind and as a

Category II, for the presence of state-listed species. Burr Oak Valley is also documented to provide habitat for 13 faunal species listed in the Illinois Wildlife Action Plan (IWAP) as Species of Greatest Conservation Need, as well as three state-threatened plants. One state endangered plant has been successfully re-introduced to the site. The state endangered and federally endangered Rusty patched bumble bee was documented on-site in 2018. The site is used by a variety of bird species, 13 of which are listed in the IWAP as Species of Greatest Conservation Need. Of these 13 species, nine are documented to actively breed on site. Formal surveys for butterflies, dragonflies, and damselflies reveal a high diversity of insect fauna with some species being rare and habitat specific.

The INPC granted preliminary approval for dedication at the 237th meeting in January 2021.

Staff of the NLI and INPC recommended final dedication of 98.93 acres as the Burr Oak Valley Nature Preserve.

It was moved by Commissioner Thomas, seconded by Commissioner Dann, that the following resolution be approved:

The Commission grants final approval for the dedication of Burr Oak Valley as an Illinois nature preserve, as described in the proposal presented under Item 15 of the Agenda for the 238th Meeting.

(Resolution 2531)

238-16) **Hancock Co. - Martha Anderson Estate**

The Illinois Nature Preserves Commission (INPC) was included in the Last Will and Testament of Martha Anderson, to consider acceptance of fee simple ownership of a 160-acre land donation and enrollment into the Land and Water Reserve Program. A regional review was conducted by the Illinois Department of Natural Resources (IDNR) and based on that review; the recommendation was to decline the offer. It was determined that the property does not presently qualify for inclusion as a land and water reserve, and the INPC does not currently have the ability to pursue fee simple ownership. Both IDNR and INPC were requested by the Estate's attorney to sign a disclaimer. The Commission Chair drafted a letter to the attorney for Martha Anderson's Estate, on behalf of the Commission as a whole, to provide support for securing a conservation alternative that fulfills Ms. Anderson's charitable intentions in Article Fifth of her will.

Commissioner Covington stated that when he received this information back in February, he was concerned that an effort needed to be made to find a conservation alternative. There is an ancient legal document called cy pres that says if there is a charitable donation that cannot be fulfilled due to its terms, a next best thing must be found. And in this case, it was clear from Mrs. Anderson's will that she wanted to conserve the property. The property was evaluated exhaustively by the DNR and determined that it was not appropriate for a Land and Water Reserve classification and the INPC does not have the current ability to accept fee simple donations, but that doesn't mean that nobody does. There may be a land trust or a government entity that would be willing to accept it. Commissioner Covington has been in contact with Prairie Lands Conservancy based in Macomb whose territory includes Hancock County where this property is located, and they have some interest even though the property requires restoration. Charitable trusts in Illinois are enforceable exclusively by the Attorney General's Office. Commissioner Covington contacted Joel Greeneburg, who runs the Charitable Trust Bureau of the Attorney General's office and he thought this was a very clear case of cy pres and he

has been in contact with the attorney for the estate.

With that background, Commissioner Covington drafted a letter to go to the attorney for the estate and Mr. Greeneburg, basically explaining our position and urging that a conservation alternative be found.

Renee Snow, Attorney for DNR, addressed the group and said what Commissioner Covington shared they agree with. The land was evaluated, and it does not meet the criteria for a land and water reserve and INPC does not have the ability to accept fee simple donations. A recommendation was made that the Commission disclaim the property. Director Callahan has signed the disclaimer. Attorney Snow then asked if there were any questions.

Commissioner Covington shared that he could have approved this back in February. However, he felt he should not make that decision alone, but with the concurrence of the Commission.

Commissioner DauBach stated that Commissioner Covington came up with an excellent solution and way forward to meet Ms. Anderson's intentions and thanked him for doing that.

Commissioner Derby Lewis agreed with Commissioner DauBach and thanked Commissioner Covington for doing the extra leg work to honor Ms. Anderson's wishes and thanked him for doing so.

Attorney Snow asked to clarify if the agreement is to send a letter and follow up with a disclaimer or somehow include any revisions to the letter to satisfy the Probate Act?

Commissioner Covington responded, saying he does not feel it is necessary to send a disclaimer with the letter at this stage until we know what is going on. His concern initially about a simple disclaimer, was that it would be presented to the probate judge, be approved, and go to residuary legatees, none of whom are conservation organizations. The letter, in and of itself, indicates that we are not in a position to accept fee simple ownership of the property, and we are not in a position to have it classified as a land and water reserve, and it doesn't answer whether there is another conservation alternative. Commissioner Covington asked to not include the disclaimer with the letter until we have more information about that.

Attorney Snow responded okay and thank you.

It was moved by Commissioner DauBach, seconded by Commission Stone, that the letter be finalized and sent to the attorney for the Martha Anderson Estate.

(Resolution 2532)

238-17) **Review of Closed Meeting Minutes**

In accordance with the Open Meetings Act, Commissioners must review closed minutes at least twice a year to determine if they must remain closed. The following meetings had closed minutes and need to be reviewed: August 2, 2005; May 2, 2006; May 6, 2008; May 5, 2009; May 7, 2013; September 10, 2013; and September 10, 2019.

It was moved by Commissioner Thomas, seconded by Commissioner Derby Lewis, the following resolution be approved:

The Commission agrees that the closed meeting minutes from August 2, 2005; May 2, 2006; May 6, 2008; May 5, 2009; May 7, 2013; September 10, 2013; and September 10, 2019 remain closed, as described and in accordance with Item 17 of the Agenda for the 238th Meeting.

(Resolution 2533)

238-18) **Public Comment Period (3 minutes per person)**

None

238-19) **Other Business**

None

238-20) **Adjournment**

Commissioner Dann motioned to adjourn. It was seconded by Commissioner Mogerma and approved.

The INPC 238th Meeting adjourned at 12:15pm