

ILLINOIS NATURE PRESERVES COMMISSION

Minutes of the 243rd Meeting

Illinois Department of Natural Resources
Lake Level Conference Rooms
One Natural Resources Way
Springfield, IL 62702

January 24, 2023

In-person meeting with virtual WebEx option

Illinois Department of Natural Resources (IDNR) Director, Natalie Finnie, provided opening remarks. She started by saying how important the Commission's work is and said it's truly an honor to be in a position to provide support. She shared information about her family and has a background in nursing and biological sciences and believes this background will serve her well in her new role. Leadership is where she thrives and bringing people together is one of her strengths. She is very passionate about making sure our natural resources are protected and preserved. She has learned so much already, recognizes she still has more to learn, and is looking forward to being a champion for these causes. In closing, she thanked the Commission for welcoming her.

Illinois Nature Preserves Commission (INPC) Chair, Dr. Abigail Derby Lewis, thanked Director Finnie and said it's an honor for the Commission meeting to be her first event on the first day of her new job.

243-1) **Call to Order, Roll Call, and Introduction of Attendees**

Commission Chair Derby Lewis called the meeting to order at 10:10am and read the roll call. In-person introductions were completed and those attending remotely introduced themselves through the Web-Ex chat feature.

Commissioners Present: George Covington, Dr. Pen DauBach, Dr. Abigail Derby Lewis, Radhika Miraglia, Toni Oplt, Michelle Parker, Robert Szafoni, and Dr. David Thomas

Commissioners Absent: Dr. Jo-Elle Mogerman

Advisors Present: Natalie Finnie; Dr. Joyce Hofmann, Illinois Endangered Species Protection Board (ESPB); and Dr. Eric Schaubert, Illinois Natural History Survey (INHS)

Consultants Present: Joe Roth, Kerry Leigh, Dr. Jim Herkert, and Randy Heidorn

Others Present: John Rogner, Assistant Director, IDNR; Todd Strole, Valerie Njapa, Kelly Neal, John Griesbaum, Angella Moorehouse, Kim Roman, Sami Childerson, John Nelson, Debbie Newman, Byron Paulsen, Kevin Sierzega, and Heather McLean, INPC; Former Commissioners Charles Ruffner, Donnie Dann, Bill McClain,

and Deborah Stone; Chris Young, Ann Holtrop, Heather Osborn, Joe Kath, Andrew Hulin, Jenny Skufca, Natalia Maass, Philip Cox, Eric Smith, Mark Alessi, Michelle Bloomquist, Morgan Walder, Melissa Grycan, Dr. Leon Hinz, Chip O’Leary, Michelle Simone, and Kassie Wood, IDNR Office of Resource Conservation; Paula Martel, Marni English, and John Wilker, IDNR Office of Land Management; Carey Mayer, Dawn Cobb, and Kristie DeBrun, IDNR Office of Realty and Capital Planning; John Fischer, IDNR Office of Legal Counsel; Amy Doll, Katie Kucera, Jonathon Sabath, Kevin Rohling, and Hannah Walchak, Friends of Illinois Nature Preserves; Cynthia Kanner, Prairie State Conservation Coalition; Jo Fessett and Kaleb Baker, Illinois Audubon Society; Susan Dees Hargrove, Illinois Department of Natural Resources; Lindsay Keeney, Illinois Environmental Council; Becky Collings and Monica Mueller, Forest Preserves of Cook County; Jill Kennay, Natural Land Institute; Jim Anderson, Citizens for Conservation; Janice Coons, IESPB; David Holman, Marianne Hahn, Roger Beadles, Iza Redlinski, Tim Brunt, Stephanie Brunt, and Dan Mueller.

Commission Chair Derby Lewis shared the heartbreaking news that was recently learned about the passing of Illinois State Museum Director Cinnamon Catlin-Legutko. She said, “Cinnamon was a force of nature dedicated to transformative work to decolonize museums as well as land management and conservation. We worked together closely to develop a special session for INPC in May of 2021 on inclusive conservation that many here attended, and this glimpse into her passion, her drive, her commitment to bringing justice and equity to the forefront was absolutely inspiring to me. I’m deeply saddened as I know we all are to not have more time to learn from and grow with Cinnamon but we’ll carry on the work that she championed and build on the abundant foundation of knowledge that she brought to her work and to IDNR.”

243-2) **Adoption of Agenda**

In seeking adoption of the agenda, one request was made by Commission Chair Derby Lewis to move the Resolutions for the “retired” Commissioners to just before lunch to allow those being recognized to be present.

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

243-3) **Approval of Minutes for the 242nd Meeting on September 13, 2022**

Commissioner Szafoni requested that the last six words of the seventh paragraph in the draft minutes for Item 11 of the 242nd meeting be stricken. There was no intent to focus on any one reserved right and striking these last six words will remove a specific example that could indicate otherwise.

It was moved by Commissioner Thomas, seconded by Commissioner Parker, and carried that the minutes from the 242nd Meeting be approved with the change proposed by Commissioner Szafoni.

The Commission Chair then read the Accomplishments Summary of the 242nd meeting:

At the 242nd Meeting of the INPC, held on September 13, 2022, at Olney Central College, Olney, Illinois, legal protection was completed by the Commission for two tracts of land totaling 1,717 acres. Both tracts are privately owned, and the owners donated the value of the protection agreements to the public. Lands protected include Nachusa Grasslands Land and Water Reserve and Marsh Relicts Nature Preserve.

Protection of these lands came about because the Commission had staff in the field working with private landowners. There are 416 dedicated nature preserves with 62,362 acres; and there are 204 registered land and water reserves totaling 58,123 acres. Altogether, there are 620 sites with 120,485 acres protected in the Illinois Nature Preserves System.

243-4) **Next Meeting Dates and Locations**

244	May 9, 2023	Lost Valley Visitor Center Richmond, IL
245	September 12, 2023	Monroe County Annex Building Waterloo, IL

243-5) **INPC Staff Report**
REPORT

Appendix I

Todd Strole, Executive Director
Illinois Nature Preserves Commission

Remarks presented by Executive Director Todd Strole are provided in Attachment 1. The full INPC report is provided in Appendix I.

Commission Chair Derby Lewis thanked Todd for the diligent follow up on the request that the Commission made in September on the herbicide drift issues and said it's important to be able to trust and know that when a request is made, there will be such thorough and dedicated follow up.

She also said the Commission understands how hard securing additional staff capacity is and all efforts to increase it are appreciated.

243-6) **IDNR Staff Report**

Appendix II

REPORT
Ann Holtrop, Chief
Division of Natural Heritage

The full IDNR report is attached as Appendix II.

Highlighted activities:

The 85th Natural Areas Evaluation Committee (NAEC) meeting was held and the 2023 version of the INAI Standards and Guidelines was rolled out. This is the governing document that identifies how we establish INAI sites and how we evaluate the quality of natural areas and inventory sites. The Division of Natural Heritage is launching small groups to delve into some specific questions that staff raised in the comment gathering part of the updated standards and guidelines document review. The hope is to have the document ready for review by the next Commission meeting. While the NAEC work and meetings are internal, the standards and guidelines document is a public one and will be shared more broadly when finalized.

Work continues to make data more accessible to staff, including information on prescribed fire, INAI site details, and making paper files digital for easy access. Natural Heritage database staff continue to update records for threatened and endangered species and other information to support decision-making for Consultation. It's important to base decisions on current and accurate data.

Ann Holtrop talked about IDNR as a landowner and the great working relationship that exists internally with the other offices to make sure that when sites are brought to the Commission for dedication or registration, there is consensus by all offices and IDNR understands its responsibility as a landowner.

Heritage is planning now for the third round of natural areas stewardship grants, which go to conservation land trusts to work on dedicated and registered sites. The notification is planned for April with applications due by the end of May.

IDNR is making progress on its MOU with the Friends.

In 2022, IDNR Consultation staff reviewed 87 projects in the vicinity of dedicated property with potential impacts. This review is an important and useful tool to the defense aspect of our work. As part of the review of the Consultation administrative rules, Ann reiterated that IDNR is looking for ways to enhance them.

The Incidental Take Authorization (ITA) application/conservation plan submitted by the Greater Rockford Airport Authority for Bell Bowl Prairie was rescinded. The Airport Authority shared biological surveys that were completed with IDNR and they provided written permission to take listed plants.

Commission Chair Derby Lewis requested more information about the withdrawal of the ITA and the implications associated with that.

Ann explained that the ITA process allows the take of listed species in the course of otherwise legal actions. There are efforts to avoid and minimize impacts to the listed animal species. Some think of it as an insurance policy. It is the applicant's choice to apply for an ITA; it's not something the Department can make anyone do.

Commissioner Szafoni asked if there is a list of IDNR land acquisitions acquired with NAAF funding. Ann responded that she did not have that but would work to get it.

Commissioner Thomas asked about the status of Chronic Wasting Disease. Ann responded that it continues to spread and Illinois is one of the few states in the country that has really kept up with efforts to combat it, which creates challenges with bordering states where the efforts are not as robust.

243-7) **Endangered Species Protection Board Report**

Appendix III

REPORT

Dr. Joyce Hofmann
Endangered Species Protection Board

The full ESPB report is attached as Appendix III.

Dr. Hofmann welcomed the new Commissioners on behalf of the ESPB since she was not present at the last meeting. She then shared the information provided in Appendix III and she thanked Angella Moorehouse for all her work with the Terrestrial Invertebrates Endangered Species Technical Advisory Committee (ESTAC). She also thanked Heather McLean for helping the ESPB with their website updates.

Commissioner Thomas asked if most other states have endangered species groups like Illinois. Dr. Hofmann replied that she is not sure how many other states have similar programs and that the programs may vary between the states. She shared that when the Executive Director position was filled, that individual did a lot of the coordination work with other states on threatened and endangered species.

Commission Chair Derby Lewis thanked Dr. Hofmann and the Board for their volunteer service. She asked whether the potential to fill the Executive Director position is still there and Dr. Hofmann said a scope has been prepared and that we'll have to wait and see how things play out.

243-8) **Friends of Illinois Nature Preserves Report**

Appendix IV

REPORT

Amy Doll, Director
Friends of Illinois Nature Preserves

The full report is attached as Appendix IV.

Amy Doll highlighted some of the successes, celebrations, and heroes advocating for nature preserves and INAI sites, which are all included in the full report. She also shared some of the challenges facing the Illinois Nature Preserves System and that the Friends group is willing to work with the Commission and IDNR to meet these challenges. She spoke about the State's hiring process and how it creates unnecessary delays, which is problematic.

Commissioner Miraglia added to what Amy talked about regarding the herbicide application licensing test. In addition to the need to provide the test in multiple languages, some individuals struggle with test taking because they have not had the privileges to help them be successful taking tests like this. This is another barrier that is preventing a diversity of

people from engaging in stewardship and earning certifications to do the actual work that is needed. The barriers are unnecessary and discriminatory.

Commissioner DauBach asked if the Friends group has had any dialogue with the Department of Agriculture. Amy responded that the conversations have started; however, the Friends group has not been directly involved but that direct involvement could be beneficial.

243-9) **Cook Co. – Poplar Creek Land and Water Reserve, Registration**

Becky Collings presented this agenda item.

She started her presentation by reading their land acknowledgment, “The Forest Preserves of Cook County are on the ancestral homelands of the Council of Three Fires – the Ojibwa, Ottawa and Potawatomi tribes – and a place of trade with many other tribes, including the Ho-Chunk, Miami, Menominee, Sauk and Meskwaki.”

The Forest Preserves of Cook County (FPCC) owns and manages Poplar Creek Forest Preserve (also known as Carl Hansen Woods Forest Preserve), which surrounds Shoe Factory Road Nature Preserve near northwest suburban Hoffman Estates, Illinois. The FPCC requested that 572.14 acres of this site be registered as a Land and Water Reserve, hereafter referred to as Poplar Creek Land and Water Reserve (Poplar Creek LWR). This area, located in the Morainal Section of the Northeastern Morainal Natural Division of Illinois, is the highest quality portion of the 4,430-acre complex of Arthur Janura block of forest preserves. Despite the fact that it was previously disturbed for various uses, including agriculture (with drain tiling), excavation of a fishing lake and construction of a dam at its southern shore, small remnant portions of the site remain intact and much of the disturbed area has been successfully restored. The site supports the federally endangered rusty patched bumble bee (*Bombus affinis*); the state-endangered Blanding’s turtle (*Emydoidea blandingii*); the state-threatened mussels elipse (*Venustaconcha elipsiformis*) and slippershell (*Alasmidonta viridis*); and the state-threatened plants, early lady’s tresses orchid (*Spiranthes lucida*) and dwarf bur reed (*Sparganium emersum*). At least 27 wildlife Species of Greatest Conservation Need (SGCN), as identified in the Illinois Wildlife Action Plan (IWAP) Implementation Guide Appendix 1 [2018], occur here, including 16 grassland and savanna bird species sensitive to habitat fragmentation (Herkert et al. 1993) and at least two mussel species with rare and declining populations due to habitat vulnerability. The proposed Poplar Creek LWR buffers and extends the rare gravel hill prairie community already preserved in the adjacent 9-acre Shoe Factory Road Nature Preserve. The Poplar Creek LWR site is open to the public and its uses and management will be consistent with the long-term preservation of the site’s natural resources. Registration of the Poplar Creek LWR will help legally protect the significant restoration efforts invested here in perpetuity. Staff of the FPCC and INPC recommended approval for registration of this site into the Illinois Nature Preserves System.

Becky closed her presentation with a huge thank you to the Poplar Creek volunteer stewards who have been largely responsible for restoring the site over the last 30+ years.

Commissioner Thomas asked about the lake that's formed by the dam on the property and said it might be more valuable to keep it temporary rather than permanent where there would be fishing, which would make it hard for many of the amphibians to survive.

Becky responded that because the FPCC received federal dollars for its construction, they are obligated to maintain it and there is also a trail that goes across the top of it. Any repairs done would only be to maintain the structure and trails for the safety of the public. They do not intend to create a fishing lake in the area or otherwise manipulate the water levels. The dam never quite functioned as intended and it has been more of an ephemeral wetland and the FPCC wants to keep it like that.

Monica Mueller with the FPCC added that the dam has to be maintained as a dam and at some point, there may be a need to alter the hydrology because of legal or engineering requirements, but their preference is to keep it as an ephemeral wetland.

It was moved by Commissioner Covington, seconded by Commissioner Thomas, and carried that the following resolution be approved:

The Commission grants approval for the registration of Poplar Creek as an Illinois land and water reserve, as described in the proposal presented under Item 9 of the Agenda for the 243rd Meeting.

(Resolution 2576)

243-10) **Kankakee Co. – Addition to Sweet Fern Savanna Land and Water Reserve, Registration**

Kim Roman presented this agenda item.

Sweet Fern Savanna was originally registered by Dr. Marianne Hahn as a Land and Water Reserve (LWR) in 2001 and was 62 acres in size. Subsequent additions to the LWR, registered by both Dr. Hahn and the Illinois Chapter of The Nature Conservancy have increased the size of the Land and Water Reserve to 166 acres. Sweet Fern Savanna LWR is recognized on the Illinois Natural Areas Inventory (INAI #1581) for its high-quality dry-mesic sand savanna and for the habitat it provides for 15 state-threatened or endangered plants, and the state-threatened black-billed cuckoo (*Coccyzus americanus*), ornate box turtle (*Terrapene ornata*), and regal fritillary butterfly (*Speyeria idalia*). Sweet Fern Savanna also provides habitat for hundreds of wildlife species, including an additional six insect species and 17 vertebrate SGCN. This proposal requested the registration of a 2-acre tract comprised of an old homesite and successional field supporting numerous state-listed species, including crowded oval sedge (*Carex cumulata*), northern cranesbill (*Geranium bicknellii*), old plainsman (*Hymenopappus scabiosaes*), shore St. John's wort (*Hypericum adpressum*), eastern blue-eyed grass (*Sisyrinchium atlanticum*), and dozens of other species representative of the Kankakee Sands Area Section of the Grand Prairie Natural Division of Illinois. Reserved rights and allowable uses within this addition include the possible installation/construction of a shed for storage of tools and materials used for management of the site, a toilet, a kiosk/gazebo with interpretive signs, a small greenhouse, placement of picnic tables, parking for up to 10 vehicles, and the creation of small, rotating garden plots to maintain habitat for disturbance-adapted species. The registration of this addition will protect habitat for many rare, threatened, and endangered

plant and animal species; promote good reserve design; and help ensure future uses of the 2-acre parcel are compatible with the long-term preservation of Sweet Fern Savanna LWR and its many inhabitants. Registration of this tract will bring the total registered acreage of the site to 168 acres.

Kim closed by talking about the Community Development Corporation (CDC), a locally led not-for-profit organization whose mission is to preserve and promote the history, culture, and ecological aspects of Pembroke Township. Many agencies have been partnering with the CDC where respective missions overlap and one of the biggest successes to come from this partnership is the Youth Environmental Stewardship Program that's been ongoing for seven years. In this program, high school students are part of a paid internship over the summer, where they work with professional staff and learn about diversity in their community. Marianne has been a big supporter of this program and the cooperative spirit the partnership brings.

Commissioner Thomas commented that he likes the idea of maintaining some patches of early succession species at this site but wonders how this fits with our rules.

Kelly Neal responded that the proposed management actions would be needed to maintain the succession species at this site and keep it from succeeding to a different plant community. Given the existing disturbance at the site, it seems like a good location to learn about the proposed actions and the site's response.

Commission Chair Derby Lewis commented that she really likes the idea of being able to think creatively for different types of strategies that can have benefits for people and nature and a real net gain for biodiversity. This would provide a learning opportunity and in addition to seeing what we get from these actions over the coming years, we are really listening to what the landowner wants and we can accommodate her wishes. She added that this seems to be appropriate for this site and programs are meant to evolve and change with different circumstances that arise.

Kim stated that this is not something that anyone would endorse as a management tool to be applied statewide or at most places but here, thinks it's a really good fit with the specific set of circumstances.

Commissioner DauBach expressed support for this approach and commended Marianne Hahn for all the work she has done at Sweet Fern Savanna. It has taken many years of effort and it is now a wonderful ecosystem.

Commissioner Szafoni also expressed his agreement and commended Kim on her presentation and for handling the reserved rights and allowable uses exceptionally well in this case. It gives staff and Commissioners the ability to justify why we're doing something here and why we would not think about doing it somewhere else. This is the type of thing that gives us all credibility and helps us say no in places where it would not be appropriate.

Commissioner Parker asked about future uses and more specifically, the vegetable garden plots and how they would be delineated and how the expectations would be clearly defined for future use. Kim responded that having INPC field staff involved will be important and is not

sure whether this will even happen. At this point, it's a concept and if it does happen, more details would need to be fleshed out with the assistance of INPC staff.

It was moved by Commissioner DauBach, seconded by Commissioner Szafoni, and carried that the following resolution be approved:

The Commission grants approval for the registration of the Addition to Sweet Fern Savanna as an Illinois land and water reserve, as described in the proposal presented under Item 10 of the Agenda for the 243rd Meeting.

(Resolution 2577)

243-11) **Monroe Co. – Brunt Land and Water Reserve, Registration**

Debbie Newman presented this agenda item.

The proposal requested registration of Brunt Land and Water Reserve (LWR), an extremely important 31.83-acre site that currently contains the only extant population in Illinois of the state-endangered fameflower or large-flowered rock pink (*Phemeranthus calycinus*). This site also currently has the only known population east of the Mississippi River. The small sandstone glade that contains the population is listed on the Illinois Natural Areas Inventory as a Category II site (INAI #1608). The proposed LWR contains most of the glade, approximately 1.5 acres, with about .25-.5 acres of the glade on a neighboring property. The remaining part of the proposed reserve consists of Grade C dry-mesic upland forest. The site is bisected by an unnamed tributary to the South Fork of Horse Creek and also contains an undisturbed sandstone cliff. The proposed LWR is owned by Tim and Stephanie Brunt.

This site is located in the Mt. Vernon Hill Country Section of the Southern Till Plain Natural Division and supports several campaigns identified in the IWAP, including the Forests Campaign, the Invasive Species Campaign, and the Land & Water Stewardship Campaign. The site is located immediately adjacent to IWAP's Karst Conservation Opportunity Area, and the Southwestern Illinois Wildlife Action Plan partnership. Within a 6-mile radius of the proposed reserve are 2,683 acres of INPC-protected or conservation-managed lands.

Debbie thanked Tim and Stephanie Brunt for their efforts to preserve this property. They have been dedicated to the protection of this site and its very special features. She also thanked Bill McClain and a few others who have been instrumental in preserving this site.

Commissioner Covington expressed a concern about the continued ability to maintain the land and water reserve's conservation purpose if there is a demise of the focal species for some reason. He suggested beefing up the secondary conservation objectives to ensure the land and water reserve would continue to meet its conservation purposes and maintain its conservation value in the unfortunate event something happens to the focal species.

Debbie responded that she thinks it's very unlikely the focal plant species would disappear and that it has a very high reproduction rate and it would be easy to reintroduce it if it were to disappear for some reason. She also said there are other features that will be managed and the goal at this site and all INPC sites is to bring the natural communities identified up to a higher quality standard.

Bill McClain reiterated the unlikeliness of the focal plant species disappearing due to natural causes.

Commissioner Miraglia commented that climate change needs to be considered and agreed that we should be focusing on the whole site, in addition to efforts related to the focal plant species.

Commission Chair Derby Lewis expressed a strong interest in learning and discussing more about adaptation strategies in response to the effects of climate change and suggested a more in-depth discussion soon. It could be part of a larger conversation about IDNR's Climate Action Plan, which is set to launch soon and perhaps IDNR could present on that at an upcoming meeting or it could be at a Special Meeting the day before.

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

The Commission grants approval for the registration of Brunt as an Illinois land and water reserve, as described in the proposal presented under Item 11 of the Agenda for the 243rd Meeting.

(Resolution 2578)

Commission Chair Derby Lewis shared the Resolutions for Commissioners Dann, McClain, Ruffner, and Stone.

Resolution in Recognition of Donnie R. Dann

The Illinois Nature Preserves Commission wishes to recognize the contributions of Donnie R. Dann during his tenure as a Commissioner from 2010 to 2022. Donnie served with distinction as Chair of the Commission from 2015 to 2018. He has been a tireless advocate for conservation of animals, plants, and natural areas throughout Illinois, showing exemplary leadership through his service to the Commission and on numerous environmental, community, and government boards and committees.

Donnie will be warmly remembered for his strong sense of direction, his ability to surmise the appropriate course of action, and his passion for protecting the natural world. His years of service to the State of Illinois and his continuing commitment to and advocacy for the Commission will always be greatly appreciated.

By resolution of the Illinois Nature Preserves Commission, January 24, 2023.

Commission Chair Derby Lewis asked for a motion and approval of the Resolution for Donnie R. Dann.

It was moved by Commissioner Thomas, seconded by Commissioner Covington, and carried that the Resolution for Donnie R. Dann be approved.

(Resolution 2579)

Resolution in Recognition of William E. McClain

The Illinois Nature Preserves Commission wishes to recognize the contributions of William E. McClain during his tenure as a Commissioner from 2010 to 2022. Bill brought to the Commission his years of experience in natural areas conservation, sharing his vast knowledge of the flora of Illinois, plant community ecology, and management of natural areas. His tireless pursuit of knowledge throughout

his career with the Illinois Department of Natural Resources as a Natural Heritage Biologist, then Natural Areas Program Manager, and continuing into retirement has resulted in studies at a great many sites in the Nature Preserves System. His efforts have continued to advance our scientific understanding of these sites, having authored/co-authored numerous articles and publishing extensively in peer-reviewed journals.

The Nature Preserves Commission wishes to recognize and commend Bill's lasting achievements to advance the mission and success of the Commission. He will have an ongoing and profound impact on protecting Illinois' Natural Heritage. His years of service to the State of Illinois and his continuing commitment to and advocacy for the Commission will always be greatly appreciated.

By resolution of the Illinois Nature Preserves Commission, January 24, 2023.

Commission Chair Derby Lewis asked for a motion and approval of the Resolution for William E. McClain.

It was moved by Commissioner Szafoni, seconded by Commissioner DauBach, and carried that the Resolution for William E. McClain be approved.

(Resolution 2580)

Resolution in Recognition of Dr. Charles Ruffner

The Illinois Nature Preserves Commission wishes to recognize the contributions of Dr. Charles Ruffner during his tenure as a Commissioner from 2014 to 2022. Dr. Ruffner's extensive knowledge of forest ecology, fire history, and management of plant communities using prescribed fire has provided important science-based direction to the Commission. Among his contributions to natural area science and management has been his mentorship and support of students, conservation practitioners, and Commission staff. He has actively supported the work of the Commission through research at Illinois natural areas and nature preserve sites; recruitment of students for internships with the Commission and Department of Natural Resources; introducing students to field experiences at sites in the Nature Preserves System and educating them on protection and stewardship of natural areas.

Charles' conservation leadership will have a lasting and profound impact on the protection and Illinois' Natural Heritage for future generations. His years of service to the State of Illinois and his continuing commitment to and advocacy for the Commission will always be greatly appreciated.

By resolution of the Illinois Nature Preserves Commission, January 24, 2023.

Commission Chair Derby Lewis asked for a motion and approval of the Resolution for Dr. Charles Ruffner.

It was moved by Commissioner Covington, seconded by Commissioner Thomas, and carried that the Resolution for Dr. Charles Ruffner be approved.

(Resolution 2581)

Resolution in Recognition of Deborah C. Stone

The Illinois Nature Preserves Commission wishes to recognize the contributions of Deborah Stone as a Commissioner from 2014 to 2022, as well as her leadership as the fourth Executive Director of the Commission from 2006 to 2010. She will be remembered for applying her expert and diverse background in environmental policy to the protection and stewardship of lands in the Nature Preserves System; and valued for her insight, thoughtful approach and guidance to staff, Commissioners and conservation partners.

Deborah's clear sense of purpose, problem solving abilities, and commitment to the mission of the

Commission serves as a lasting contribution to preserving Illinois' natural treasures. Her years of service to the State of Illinois and her continuing commitment to and advocacy for the Commission will always be greatly appreciated.

By resolution of the Illinois Nature Preserves Commission, January 24, 2023.

Commission Chair Derby Lewis asked for a motion and approval of the Resolution for Deborah C. Stone.

It was moved by Commissioner Thomas, seconded by Commissioner Szafoni, and carried that the Resolution for Deborah C. Stone be approved.

(Resolution 2582)

Commission Chair Derby Lewis asked if there were a motion to add Dr. Charles Ruffner as a Consultant to the Commission.

It was moved by Commissioner DauBach, seconded by Commissioner Covington, and carried that Dr. Charles Ruffner be approved as a Consultant to the Commission.

(Resolution 2583)

Lunch Break from 12:53pm to 1:30pm

243-12) **Edwards Co. – Birk's Prairie Nature Preserve, Preliminary Dedication**

Sami Childerson presented this agenda item.

Roger and Vivian Beadles, landowners of Birk's Prairie, requested preliminary approval for the permanent dedication of 8.0 acres of reconstructed prairie as an Illinois Nature Preserve. The proposed Birk's Prairie Nature Preserve is located in the Mt. Vernon Hill Country Section of the Southern Till Plain Natural Division of Illinois in Edwards County. The proposed site contains a Grade C mesic prairie reconstruction and is the only prairie natural community listed on the INAI in this natural division and section. The reconstruction supports a thriving translocated population of the state-threatened grass-leaved lily (*Stenanthium gramineum*) and naturally occurring population of royal catchfly (*Silene regia*). The proposed Birk's Prairie Nature Preserve is one of only two INAI sites in Edwards County and is located less than one-half mile from Beadles Barrens Nature Preserve (INAI Site #1547).

If dedicated as an Illinois Nature Preserve, Birk's Prairie will provide permanent protection for INAI Site #1975 and habitat for the state-threatened *Stenanthium gramineum* and state-endangered *Silene regia*. In addition, the proposed Birk's Prairie Nature Preserve is known to support at least seven SGCN, as identified in the IWAP. Birk's Prairie Nature Preserve will be one of only two permanently protected sites in Edwards County, and the first prairie natural community to be permanently protected in the Southern Till Plain Natural Division's Mt. Vernon Hill Country Section. INPC staff recommended approval of preliminary dedication of Birk's Prairie as an Illinois Nature Preserve on behalf of Roger and Vivian Beadles.

She gave a special thank you to Roger and Vivian Beadles for their interest in preserving and protecting natural areas. She added that Roger has a heart and a passion for this work that walks with giants and it will be hard to fully thank him for everything he's done.

It was moved by Commissioner DauBach, seconded by Commissioner Covington, and carried that the following resolution be approved:

The Commission grants preliminary approval for the dedication of Birk's Prairie as an Illinois nature preserve, as described in the proposal presented under Item 12 of the Agenda for the 243rd Meeting.

(Resolution 2584)

243-13) **Mason Co. – Addition to Sand Prairie-Scrub Oak Nature Preserve, Preliminary Dedication**

Eric Smith presented this agenda item. He started by thanking Jenny Skufca for all of her assistance as well as other IDNR and INPC staff who helped with this proposal.

The Illinois Department of Natural Resources (IDNR) requested preliminary approval to dedicate 40 acres as an addition to Sand Prairie-Scrub Oak Nature Preserve, located in the Illinois River Section of the Illinois River and Mississippi River Sand Areas Natural Division in Mason County. The first portion (920 acres) of Sand Prairie-Scrub Oak was dedicated on April 1, 1970 (Meeting #31, Resolution #115), one of only 64 Nature Preserves dedicated prior to the Illinois Natural Areas Inventory (INAI). Another 540-acre parcel was dedicated later that year on October 14, 1970 (Meeting #34, Resolution #145). Finally, 50 acres, from two different parcels, were dedicated as Nature Preserve Buffer on May 23, 2011 (Meeting #208, Resolution #2141). This addition will connect the three previously mentioned dedicated areas. This Nature Preserve is adjacent to the privately-owned 86-acre Bob Spanski's Walden Too Land and Water Reserve. All these INPC-protected sites lie within the Sand Prairie-Scrub Oak INAI Site #0732. Sand Prairie-Scrub Oak INAI is designated as a Category I natural area due to the presence of Grade B high-quality remnant dry sand prairie and dry sand savanna. The site is Category II due to known specific suitable habitat supporting three state-listed plant species: the state-endangered small burhead (*Echinodorus tenellus*), and state-threatened Hall's bulrush (*Scheonoplectus hallii*) and umbrella sedge (*Cyperus grayoides*). Altogether, nine listed species have been found at the existing Nature Preserve. Management and use of the 40-acre addition will be consistent with the long-term conservation of Sand Prairie-Scrub Oak Nature Preserve as a whole and to promote the maintenance and management of the unique natural features for which the site was originally dedicated. The primary management objective for this addition is to maintain and restore natural communities, while providing habitat for the known state-threatened regal fritillary. According to the IWAP, Sand Prairie-Scrub Oak Nature Preserve is within the Mason County Sands Conservation Opportunity Area providing a platform for conservation projects and a priority for implementing action steps. The proposed Addition to Sand Prairie-Scrub Oak protects additional habitat and buffers known habitat for 27 wildlife SGCN.

IDNR reserves the right to:

1. Demolish the 800 square-foot pole building and install a (20' x 20') gravel parking lot.

2. Establish a deer control program, if necessary.
3. Remove the pivot point irrigation system.
4. Cap the well head of the pivot point irrigation system.
5. Utilize the site to promote additional populations of threatened or endangered plant species that would occupy dry sand prairie or dry sand savanna habitats.
6. Lightly disk within the 19-acre agricultural field to support disturbance-dependent species.

If approved, the proposed Addition to Sand Prairie-Scrub Oak Nature Preserve will increase the size of the INPC-protected site to 1,550 acres.

It was moved by Commissioner DauBach, seconded by Commissioner Szafoni, and carried that the following resolution be approved:

The Commission grants preliminary approval for the dedication of the Addition to Sand Prairie-Scrub Oak as an Illinois nature preserve, as described in the proposal presented under Item 13 of the Agenda for the 243rd Meeting.

(Resolution 2585)

243-14) **Will Co. – Addition to Pilcher Park Nature Preserve, Final Dedication**

Kim Roman presented this agenda item.

The Joliet Park District (JPD) owns and manages Pilcher Park, a 403-acre natural area that is permanently protected in the Illinois Nature Preserves System. Approximately 293 acres are dedicated as Illinois Nature Preserve; the remaining 110 acres are registered as an Illinois Land and Water Reserve. Pilcher Park is a large and diverse forest complex recognized on the INAI (#0937) for its high-quality mesic upland forest, wet-mesic upland forest, and seep communities representative of the Morainal Section of the Northeastern Morainal Natural Division of Illinois. Other significant features include a Native American burial mound and a reburial site. Pilcher Park is one of northeastern Illinois' premier woodlands with outstanding spring wildflower displays and old-growth trees. More than 270 native plant species have been documented within Pilcher Park, and at least 11 species of birds with moderate to high sensitivity to habitat fragmentation breed on site. In 2021, the Illinois Audubon Society (IAS) purchased a 3.2-acre lot immediately adjacent to Pilcher Park Nature Preserve, with the intent to preserve its natural features and help promote good preserve design. The IAS proposes to dedicate 3 acres of its newly acquired lot as an addition to the existing Pilcher Park Nature Preserve, then transfer title to the JPD. This lot is composed primarily of Grade C dry-mesic upland forest with small areas occupied by forested seeps. The proposed nature preserve addition is very similar in character to the adjoining nature preserve. Final approval of this 3-acre nature preserve addition will permanently protect this forested habitat, buffer the higher quality forest communities recognized on the INAI within the original nature preserve, and ensure uses are compatible with the site's preservation and management.

It was moved by Commissioner Thomas, seconded by Commissioner Covington, and carried that the following resolution be approved:

The Commission grants final approval for the dedication of the Addition to Pilcher Park as an Illinois nature preserve, as described in the proposal presented under Item 14 of the Agenda for the 243rd Meeting.

(Resolution 2586)

243-15) **Will Co. – Addition to Sand Ridge Savanna Nature Preserve, Final Dedication**

Kim Roman presented this agenda item.

Kankakee Sands is a 555-acre preserve owned and managed by the Forest Preserve District of Will County (FPDWC). It abuts both Wilmington Shrub Prairie and Sand Ridge Savanna Nature Preserves, and shares many of the same natural features of these sites. The FPDWC requested final approval for the dedication in perpetuity of approximately 398 acres of Kankakee Sands Preserve as an addition to Sand Ridge Savanna Nature Preserve, all located within the Kankakee Sand Area Section of the Grand Prairie Natural Division of Illinois. The proposed nature preserve addition contains approximately 20 acres of sedge meadow included as part of the Wilmington Shrub Prairie INAI Site (#0934). It also includes year-round habitat for three state-threatened species: ornate box turtle (*Terrepene ornata*), eryngium stem borer (*Papaipema eryngii*), and tubercled orchid (*Platanthera flava*); as well as, migratory or winter habitat for three state-listed bird species. The proposed 398-acre nature preserve addition is comprised of many remnant natural communities including sedge meadow, sand prairie, marsh, medium-gradient stream, sand savanna, and former agricultural fields that have been planted to prairie. The proposed nature preserve addition also provides habitat for at least an additional 24 SGCN identified in the IWAP.

Reserved rights include the creation of a new gravel chip trail and for the public to visit with leashed dogs on sanctioned trails. The proposed addition protects known occurrences of rare, threatened, and endangered species; preserves a portion of Wilmington Shrub Prairie INAI site and other natural communities; provides continuity of habitat within the Sand Ridge Savanna-Wilmington Shrub Prairie complex; ensures uses are compatible with conservation of the site's natural resources; and promotes good preserve design within the Illinois Nature Preserves System.

It was moved by Commissioner Covington, seconded by Commissioner DauBach, and carried that the following resolution be approved:

The Commission grants final approval for the dedication of the Addition to Sand Ridge Savanna as an Illinois nature preserve, as described in the proposal presented under Item 15 of the Agenda for the 243rd Meeting.

(Resolution 2587)

243-16) **Regulation of Concealed Firearms within Dedicated Nature Preserves**

John Fischer presented this agenda item.

INPC's administrative rules prohibit the possession of all firearms within any dedicated nature preserve or buffer, except for peace officers or as authorized by INPC and the landowner. (See 17 IL Admin. Code 4015.10(g), adopted July 6, 2004.) The Illinois Concealed Firearms Carry

Act (430 ILCS 66/1 et seq., enacted 2013) prohibits the possession of concealed firearms within most government buildings and parking areas; however, concealed firearms are allowed on the real property, bikeways or trails in parks regulated by the Illinois Department of Natural Resources. (See 430 ILCS 66/65(a)(3).) A provision within the Concealed Carry Act which prohibited concealed firearms on all property of the Cook County Forest Preserves and not just “sensitive places” such as schools and government buildings, has been ruled unconstitutional under the Second Amendment as overbroad. (See *Solomon vs. Cook County Board of Commissioners*, USDC NDIL 17-CV-6144, Opinion Sept. 13, 2021.) The *Solomon* decision is premised upon U.S. Supreme Court decisions holding the Second Amendment protects an individual right of private citizens to possess and carry firearms in public places for self-protection.

At the 242nd Meeting on September 13, 2022, the Commission passed a Resolution (#2569) requesting that INPC’s Executive Director, with the assistance of IDNR Legal Counsel, make a recommendation for the Commission’s consideration at the following meeting. The recommendation was to include whether an amendment to 17 IL Admin. Code 4015.10 is necessary to comply with the Concealed Carry Act and the caselaw, and if so, how to best allow visitors to exercise their rights in dedicated nature preserves while also ensuring the safety and wellbeing of others and the wildlife and natural resources within the preserves. The requested recommendation is contained within the proposed Resolution (attached as Appendix V).

Commissioner Covington asked about privately-owned nature preserves.

John responded that if the nature preserve is privately-owned and is not open to the general public, the landowner would retain the right to allow or disallow concealed carry by posting signs. If a nature preserve is open to the public, we would be in violation of the Concealed Carry Act and the Constitution if we prohibit concealed carry for individuals who are in compliance with the Concealed Carry Act.

John clarified that concealed carry does not give someone the right to discharge a firearm in a dedicated nature preserve that is open to the public. It only gives them the right to carry.

Commissioner Szafoni asked for clarification on what is meant by the language in the materials provided at the last meeting about “lands regulated by the Department.”

John responded with a suggestion to reframe the way this is being looked at. It has nothing to do with regulation by the Department. It has everything to do with access by the general public. If a private landowner is not allowing the general public on their land, then regardless of any IDNR administered or regulated program on their land, the public does not have the right to come onto the private property regardless of whether they have a conceal and carry permit or not.

It was moved by Commissioner Covington, seconded by Commissioner DauBach, and carried that the following resolution be approved:

The Commission grants approval for the Resolution and Recommendation to amend 17 IL Admin. Code 4015.10 to comply with the Concealed Carry Act and caselaw, as proposed and presented under Item 16 of the Agenda for the 243rd Meeting.

(Resolution 2588)

243-17) **Public Comment Period (3 minutes per person)**

Kerry Leigh provided public comments. She introduced herself as the Executive Director of the Natural Land Institute (NLI) and Consultant to the Commission. She shared an update on the legal status of Bell Bowl Prairie. This is an 8000-year old dry gravel prairie and there are only about 20 acres left in the state of high quality dry gravel prairie and a portion of it is an INAI site. This prairie is located at the Rockford International Airport. George Fell, our founder, back in the 1970's stopped the destruction of the prairie and with assistance from the Governor's office, managed to get an agreement for NLI to manage it. Since the late 1970's, NLI, along with other partners including the IDNR, has been managing Bell Bowl Prairie with prescribed fire and invasive species removal. The agreement has a statement that the airport would notify NLI if there were going to be any changes to the prairie. In 2018, the airport decided to destroy the prairie and said they held public hearings with notification in the newspaper. In July 2021, NLI was out there working at the prairie with the airport's approval and the airport said nothing. Then in August 2021, they went out and saw bulldozers. NLI and IDNR staff found the rusty-patched bumblebee at the prairie the same summer. An 8000-year old prairie is pretty amazing and this was one of George Fell's signature saves back in 1978. In the fall of 2021, NLI filed an injunction and a lawsuit to stop destruction of the prairie. The lawsuit was dismissed without prejudice in the fall of 2022. After their review for the rusty-patched bumblebee, the USFWS concurred with the Federal Aviation Administration to authorize the destruction of approximately 15 acres of Bell Bowl Prairie. NLI put forth their position that such authorization is incompatible with the USFWS' conclusions as to why the very existence of the rusty-patched bumblebee is in jeopardy. In January 2023, NLI sent a 60-day notice letter to the Greater Rockford Airport Authority, IDOT, and federal defendants including DOT, Department of Interior, Federal Aviation Administration, and USFWS of intent to file a complaint in federal court regarding the destruction of Bell Bowl Prairie. The complaint will be filed to allege violations of the Endangered Species Act and that the federal defendants have failed and continue to fail to assure that the expansion project at the airport does not jeopardize the health and existence of the federally endangered rusty-patched bumblebee. They have authorization to destroy the prairie during the dormant period of the bee – until March 15th. NLI anticipates receiving notice that the airport is going to start bulldozing and intends to then submit an injunction for a temporary fix hoping to extend it past March 15th so that they have the summer to go to court and see this through. That would mean saving it for at least two years instead of one. NLI is continuing the fight and is also working with legislators to find funding for the airport. NLI supports expansion at the airport and believes it does not have to be at the expense of the prairie. NLI has tried to come up with re-design and funding solutions to allow the expansion and protect the prairie at the same time.

Cynthia Kanner introduced herself as the first Executive Director of the Prairie State Conservation Coalition, founded in 2005. It's an organization with a backbone of land trusts that support it. They are working on expanding their membership and broadening their support base for all those who preserve land now and into the future. She looks forward to

working with everyone. She's based in Algonquin and has lived in Illinois since 2000. She'll be traveling around the state and will be looking for places to stay. She has been working in the environmental field since 2007 and before that worked in astronomy and international relations so has a global outlook. She is committed to conservation work and looks forward to seeing everyone closer to her homebase at the May meeting.

243-18) **Other Business**

A question was raised about whether there is a "pack it out" policy at nature preserves instead of having garbage cans. Todd Strole answered that the law says you can't leave anything in nature preserves so not a "pack it out policy" exactly but nothing should be discarded in nature preserves, which speaks to the same point. Commissioner Covington added that garbage cans would not be typical for nature preserves as that would suggest picnic use and other activities that we would not want to typically see in nature preserves. Visitors would be expected to access nature preserves open to the public for passive uses only to minimize disturbance to the maximum extent practicable.

243-19) **Adjournment**

Commissioner Thomas motioned to adjourn. It was seconded by Commissioner DauBach and carried that the meeting be adjourned.

The 243rd INPC Meeting was adjourned at 2:40pm.