

ILLINOIS NATURE PRESERVES COMMISSION

Minutes of the 220<sup>th</sup> Meeting  
(Subject to approval at the 221<sup>st</sup> Meeting)

Illinois Beach State Park, North Point Marina  
Winthrop Harbor Yacht Club  
701 North Point Road  
Winthrop Harbor, IL 60096

Tuesday, May 5, 2015

220-1) Call to Order, Roll Call, and Introduction of Attendees

At 9:08 a.m. Commissioner Thomas called the meeting to order and Director Heidorn read roll call

Commissioners present: George Covington, Donnie Dann, Abigail Derby-Lewis, William McClain, Jo-Elle Mogerman, Charles Ruffner and David Thomas.

Commissioners absent: Pen Daubach and Deborah Stone

Consultants to the Commission present: Valerie Spale, Joe Roth

Others present: Randy Heidorn, Marni English, Kelly Neal, Valerie Njapa, Tom Lerczak, John Nelson, Will Overbeck, Debbie Newman, Eric Wright, Steven Byers, Angella Moorehouse, Brooke Bryant, Samantha McCarrel, Kim Roman, Illinois Nature Preserves Commission (INPC) Staff; Maggie Cole, John Wilker, Dawn Cobb, Hal Hassen, Alex Faulkner, Illinois Department of Natural Resources (IDNR); Drew Ullberg, Forest Preserve District of Kane County; Tom Dimond, Ice Miller; Rachel Goad, Chicago Botanic Garden; Bob Stanley and Bernie Mitchell, Hybernia Area Homeowners Association; Dominic Kempson and Brian Karczewski, Stantec; Ken Jay and Mary Jo Pye, Elk Grove, John Wills, WBK; Carol and Lyra Smith, landowners; David Holman, Ken Spale.

Commissioner Thomas thanked staff for the great field trip. He stated it was really interesting to see some of the pieces that have been restored, different stages of restoration and see the collaboration that has gone on between the Commission, IDNR and Lake Forest Preserve, it was really very impressive. He thanked Steve Byers for organizing the field trip; Commissioner Dann and his wife, Jackie, for entertaining at their home; Gary Glowacki and Debbie Maurer, Lake County Forest Preserve; Brad Semel, IDNR – Natural Heritage; Diane Tecic, Coastal Zone Management Program, enjoyed hearing from her on some of their activities. Also, a special thanks to Winthrop Harbor Yacht Club for the lovely space and Marni English for organizing us.

Staff and attendees introduced themselves.

220-2) Adoption of Agenda

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

220-3) Approval of Minutes for the 219<sup>th</sup> Meeting, January 27, 2015

Commissioner Thomas noted that a number of corrections need to be made to the minutes due to difficulties in microphones picking up all of the discussions during the special meeting on January 26, 2015 and at the 219<sup>th</sup> meeting on January 27, 2015. You may submit any comments you have to Randy Heidorn and these minutes will approved at the September meeting.

Commissioner Thomas reported that at the 219<sup>th</sup> Meeting, January 27, 2015 at IDNR, legal protection was completed by the Commission for three tracts of land totaling 59.371 acres, two of these areas are owned by private individuals or non-for-profit corporations, who donated the value of the protection agreement to the public. This private land was permanently preserved without further acquisition of the land by the State. The value of the land is \$81,000, based on conservative estimates of the fair market value of the land. Lands protected included the John Clyde Spitler Woods Nature Preserve in Cumberland County, and the Addition to the Gensburg-Markham Prairie Nature Preserve in Cook County. Protection of these lands came about because the Commission has eight staff in the field working with private and public landowners. There are now 383 dedicated nature preserves in 85 counties, totaling 57,753.701 acres, and 178 land and water reserves in 67 counties, totaling 49,848.538 acres.

220-4) Next meeting date and location

September 15, 2015, 10 a.m.            Black Hawk State Historic Site, Rock Island, IL

Director Heidorn commented that Black Hawk State Historic Site is owned by the Illinois Historical Preservation Agency and has the Black Hawk Forest Nature Preserve, a gem that will be near the meeting site.

220-5) INPC Staff Report

Director Heidorn indicated that a written staff report was provided to Commissioners and provided some highlights (Appendix 1). He reported on the hiring process. He indicated that IDNR division of Natural Heritage (DNH) will hire two additional residents, one located in Peoria and one in Springfield.

Applicants for the Area 9 position (Judy Faulkner's old position) are still being evaluated by Central Management Services (CMS). The two middle management positions have been in the system at CMS since September. They are union positions, but Rutan exempt and are unable to get an answer as to when these will be posted. He asked the commissioners to

understand the dire situation they are facing with his retirement at the end of the year without these positions filled. This is why getting the strategic plan is so important.

Kelly Neal has been working with the Graduate Public Service Intern (GPSI), Jenny Wells, whose internship will end at the end of June. A new GPSI has been interviewed and will begin in August.

The landowner of Cary Junior High School Prairie Nature Preserve has renamed the preserve to Hill Prairie Nature Preserve. This change had happened five years ago, but had not been reported.

Commissioner Dann commented that the future of the Commission, its mission and the critical importance of all the work of Director Heidorn, is something that the Commissioners take to heart and take seriously. Commissioner Thomas and he are going to do their best to talk to people in authority in State government to see if they can get the wheels to grind more quickly to get in place what is needed to continue the Commission's good work.

Commissioner McClain thanked Commissioner Dann for saying that.

Commissioner Ruffner asked Director Heidorn if his position would be filled before he retired.

Director Heidorn answered that in the past, most positions of his type are not filled right away and usually have an acting director. He thought that the Commission would have input into the filling of his position.

Valerie Njapa reported on defense issues. A new threat was recently brought to the attention of INPC. Mississippi Lime Company is proposing a new facility with two industrial lime kilns fueled by coal or petcoke, or both. The particular location of the proposed facility lies within an area where seven sites are protected by the nature preserves system, three nature preserves and four land and water reserves. There are sixteen state listed species and two more proposed for listing in the vicinity.

The INPC was notified about the proposed project through the IDNR consultation process. The company applied to the IEPA for a construction PSD (Prevention of Significant Deterioration) permit which is required under the Clean Air Act for projects that may significantly increase air pollution. It was first submitted several years ago and the permit was initially approved, but upon an appeal to the USEPA Board of Review, the permit was remanded. They have since resubmitted their proposal to IEPA to get the construction PSD permit approved. IEPA submitted the project to IDNR consultation for review, and IDNR staff coordinated with INPC to review and respond to IEPA. IDNR consultation staff determined there were no recommendations that could be made which would avoid or minimize adverse effects and be consistent with issuing the permit. In the consultation letter, the NPs and LWRs were detailed as well as the state-listed species in the vicinity. An ecological risk screening evaluation was done to satisfy Section 7, under the Endangered Species Act and based on that, both USEPA and USFWS concurred that there was no threat to federally listed species. This evaluation did not take into account state-listed species. IDNR looked at a 4.5 km radius from the proposed facility and, within that vicinity, located

the seven sites in the nature preserves system. INPC staff also sent a letter to IEPA to make sure they were aware of our concerns related to state protected resources and that we are statutorily obligated to protect the sites in the nature preserve system. The consultation and INPC letters went to IEPA in April, and there has not yet been a response from IEPA.

Commissioner Ruffner commented that if there are scrubbers on the lime kilns, that would produce lowered emissions and asked if there would be any scrubbers on the lime kilns.

Ms. Njapa answered that in talking to consultation staff, the cumulative effects of ongoing emissions would be lethal to some state-listed species which are vulnerable to very low levels of methyl mercury. It is up to them to show that they would not have any adverse impacts to the state-listed species. If they would be willing to do further ecological risk screening evaluations, we would be willing to look at that.

Ms. Njapa reported that for Johns Manville Site 1 (an old abandoned road way), USEPA is ready to evaluate remedial objectives/actions. There used to be two low areas in a dune area on Site 1, and these were filled with asbestos containing material (ACM). Vegetation has become established, and Site 1 is now a dry sand savanna. The USEPA has put forth remediation by capping or removal by excavation and disposal. Removal by hand after prescribed burns and a good precipitation event have made it easy to remove the ACM. USEPA conducted a soil investigation with fourteen samples taken from three locations at Site 1 and those samples showed no detection of fibrous material and asbestos was below detection in all fourteen samples. After discussions with IEPA, the Attorney General's office, IDNR and INPC, the state entities determined their best preference would be to continue removal by hand.

Commissioner Thomas asked if this is something the commission should take formal action and submit a letter to USEPA.

Ms. Njapa answered not at this time we should wait until we know what USEPA's position is going to be, and we will know more when we have the next conference call that will include USEPA. If USEPA pushes for removal by excavation capping, then we would need to have another discussion to see what we can do.

Commissioner Dann commented if ever there was a time to let sleeping dogs lie, this was the time.

Ms. Njapa agreed.

Commissioner Derby-Lewis asked if there are any precedents of this happening that you would be able to point to or is this something they are uncomfortable with because it is a non-standard option.

Ms. Njapa answered that some of the superfund sites might follow a process like this but in this particular case, the discussion has not happened yet.

Director Heidorn stated there has been such a turnover at USEPA since the initial talks took place and no formal agreement was issued, this is the reason for the delays.

Commissioner Derby-Lewis asked if Enbridge Energy was penalized anyway, shape or form other than paying for cleanup in the settlement regarding Romeoville Prairie NP.

Director Heidorn answered that is correct through the INAPA. There were many reasons this was recommended by the Attorney General's office. Primarily there were other potential factors in the area that may have caused the break. However, at the federal level, may be more consequences. It would have cost us much more than we would have gained and Enbridge Energy complied with everything we had asked.

220-6) IDNR Staff Report

Maggie Cole, Natural Heritage Administrator, on behalf of Natural Heritage Division Chief Ann Holtrop, reported that since the Natural Heritage Division (DNH) meeting, Director Rosenthal moved the Impact Assessment Group back to the Office of Realty and Environmental Planning. IDNR is planning reorganization. For DNH this means formally incorporating the Watershed Protection Program into DNH. We will be reviewing and revising some of the job descriptions, especially vacant ones. Hopefully, create Recovery and Stewardship Specialists, at the regional level. Chief Holtrop will submit DNH proposed changes to the administration by May 15, 2015 and will have an update at the September meeting.

Chief Holtrop and the DNH leadership team have identified priorities for field staff and these have been shared with staff.

Specific guidance were given on Category 1 updates, outstanding dedications on state sites and updates for state records of threatened and endangered species.

There has been an active spring burn season in collaboration with INPC staff, as well as Forestry and Wildlife. Brad Semel and his partners have burned 3800 acres in the Northeastern and North Central parts of the state. Dan Kirk accomplished a 998 acre burn at Goose Lake Prairie State Park and 350 acre burn at Des Plaines Conservation Area. INPC staff also assisted with these burns. Between the North and Northeastern unit, 5100 acres were burned. DNH will have more to report at the September meeting.

The Wildlife Action Plan is progressing and on track for a draft by the end of May. Campaigns leads are meeting every two weeks to discuss issues. Most recently, they discussed a survey of partners on Conservation Opportunity Areas (COA). They will be linking the COAs to campaigns and formalizing the revised list of species on the greatest need of conservation.

220-7) Endangered Species Protection Board Staff Report

No report.

Commissioner Thomas commented that we have not had a report for the last two meetings and will push to get one for the September meeting.

220-8) Grundy County – Collins Station Prairie Land and Water Reserve, Registration

Kim Roman, on behalf of IDNR, requested registration approval of Collins Station Prairie Land and Water Reserve (LWR), a 638-acre site, located approximately 4 miles east of Morris in Grundy County. It lies within the Grand Prairie Section and Kankakee Sand Area Section of the Grand Prairie Natural Division of Illinois. This site includes approximately 105 acres of mesic prairie, a part of which is recognized as a Category I Illinois Natural Areas Inventory site (INAI #0560). The proposed Land and Water Reserve also supports a complex of wet/wet-mesic prairie and sedge meadow, approximately 156 acres in size, includes portions of Heidecke Lake State Fish and Wildlife Area and Goose Lake Prairie State Park. The proposed Collins Station Prairie LWR is half mile west of the 1,628-acre Goose Lake Prairie Nature Preserve, which is the largest remnant prairie in Illinois, and is known for its grassland dependent birds. The addition of Collins Station Prairie to the larger Goose Lake Prairie complex will protect contiguous habitat for area-sensitive grassland bird species. Collins Station Prairie supports one state-endangered species, the eryngium stem borer (*Papaipema eryngii*), and two state threatened species, the one reptile and the red-veined prairie leafhopper (*Aflexia rubranura*). The proposed Collins Station Prairie LWR is located in the Midewin - Des Plaines - Goose Lake Prairie Macrosite Conservation Opportunity Area identified in the Illinois Wildlife Action Plan (IWAP). Conservation of this important natural area is consistent with the goals of IWAP and supports action steps identified for the Prairie, Wetlands, and Invasive Species Campaigns. Reserved rights and allowable uses include deer hunting, maintenance of an archery range, fishing from the banks, duck hunters to anchor at the banks and the creation of a parking lot adjacent to the existing parking area.

Commissioner Derby-Lewis asked if it is possible to have that 0.8 acre parking lot graveled and rather than paved or asphalted.

Kim Roman answered we could but would have to rewrite the proposal. Gravel would be cheaper than asphalt.

Commissioner Dann asked if there was any stem borer at Goose Lake.

Kim Roman answered that there are. It is less susceptible to the effects of fire. There are not very many experts who can identify stem borer.

Commissioner McClain commented that this site has tremendous potential. It was fabulous to see all of this in one area.

Kim Roman commented that IDNR considered just registering the INAI site but everyone in ORC and Region II agreed to register the whole site.

Joe Roth commented that one importance of the dedication is IDNR can increase the spread of rattlesnake master across multiple burn units to promote habitat for the eryngium stem borer.

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

The Commission grants approval for the registration of Collins Station Prairie Land and Water Reserve in Grundy County, as described in the proposal presented under Item 8 of the Agenda for the 220<sup>th</sup> Meeting.

(Resolution 2324)

220-9) Lee County – Amboy Marsh Sanctuary Nature Preserve, Dedication

John Nelson on behalf of the Illinois Audubon Society requested preliminary approval of dedication of approximately 287.02 acres as the Amboy Marsh Wildlife Sanctuary Nature Preserve. The proposed nature preserve is located within the Green River Lowland INAI (#1621) site, located in the Green River Lowland Section of the Grand Prairie Natural Division. This is a category II site that provides critical habitat for at least three state-threatened and endangered reptiles. The Amboy Marsh Wildlife Sanctuary is also documented to provide habitat for 27 faunal species listed in the Illinois Wildlife Action Plan as being in Greatest Need of Conservation, as well as one state-threatened plant, pinweed (*Lechea intermedia*). The animal species include thirteen birds (nine breeding), five reptiles, one mammal, and eight moths. An abundance of eolian sand dune deposits, located in close association with numerous wetlands, make this site an ideal breeding and nesting area for reptiles and amphibians. Historically, the Amboy Marsh Wildlife Sanctuary consisted of dry sand savanna, wet-mesic sand prairie, dry-mesic savanna, and wetland basins consisting of marsh, sedge meadow and wet-prairies. These communities still exist at Amboy Marsh Wildlife Sanctuary, but in degraded condition due to invasive woody vegetation and lack of fire disturbance. The site is located in what was once the largest grove of timber in Lee County. This is the first property within the Green River Lowland INAI site (#1621) to be proposed for dedication. Thanks to the Illinois Audubon Society, its members and volunteers, this dedication likely represents only a “first-step” in protecting what will someday be an even larger nature preserve and an incredible example of ecological restoration.

Commissioner Covington asked what the plan was with the existing agricultural fields.

Mr. Nelson answered that they had been retired. The Birdsong Chapter of the Illinois Audubon Society is very adamant about not bringing in seed from outside the site. They have been collecting seed from other areas on the property. This will be a slow process of restoring to a mesic sand prairie. They completed a drain tile survey in which they are going to put valves in the drain tiles so that they can manipulate the water levels. The site will become very wet once the valves are put in.

Commissioner McClain stated that the inland swamp was called such because there was a five mile long ledge or outcrop of galena dolemite that held the waters back, creating the large swamp giving the site its name. The Winnebago Swamp got its name from the Winnebago Indians once lived in the region. There was a movement to establish a hunting preserve of 100,000 acres back in the 1890’s but that movement was overpowered by the desire to dredge the swamp. A hole was blown in the inlet and steam powered dredges used to ditch and drain the wetlands. All of the plant communities of this site are in a publication available from the Natural History Survey by Dr. John Ebinger.

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

The Commission grants preliminary approval for dedication of Amboy Marsh Sanctuary in Lee County as an Illinois Nature Preserve, as described in the proposal presented under Item 9 of the Agenda for the 220<sup>th</sup> Meeting.

(Resolution 2325)

220-10) Marshall County – Fern Ridge Nature Preserve, Dedication

Tom Lerczak, on behalf of Maury Brucker and Emiko Yang, requested preliminary approval for dedication of 3.25 acres within the Fern Ridge Natural Area (INAI# 1836) as the Fern Ridge Nature Preserve. Fern Ridge is located within the Grand Prairie Section of the Grand Prairie Natural Division along the Illinois River bluffs. The significant feature of this site is a large population of the state-threatened fibrous-rooted sedge (*Carex communis* Bailey), in which flowering and fruiting individuals have been documented. This population of several hundred clumps is one of only 18 that have been documented throughout the state. Natural communities at Fern Ridge are grade C and consist of dry-mesic upland forest, mesic upland forest, mesic floodplain forest, and an intermittent high-gradient small stream. Upland forests are dominated by species such as white oak (*Quercus alba*), red oak (*Q. rubra*), shagbark hickory (*Carya ovata*), sassafras (*Sassafras albidum*), and sugar maple (*Acer saccharum*). Floodplain forest species include bur oak (*Q. macrocarpa*), black walnut (*Juglans nigra*), and American basswood (*Tilia americana*). Notable plants at Fern Ridge include several fern species, including the conservative silvery spleenwort (*Athyrium thelypteroides*); blue beech (*Carpinus caroliniana*); smooth forked aster (*Aster schreberi*); and ginseng (*Panax quinquefolius*). The primary threat to this site is invasion by non-native species, which the landowners have already addressed. The Illinois Wildlife Action Plan would be supported by this dedication through the Forest, Land and Water Stewardship, and Invasive Species campaigns.

Commissioner Covington asked what prospect is there for protecting the rest of the natural area.

Mr. Lerczak answered that landowners have not been approached since this is a new project. Maury Brucker may have talked to some of the neighbors when he monitors the property. There is a lot of potential since the habitat is the same. We have tried to find funding to have a botanical survey to find more along the whole bluff area.

Commissioner Thomas asked if the reason there were no species listed is because there were none or surveys have not been done.

Mr. Lerczak answered that surveys have not been done.

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



The Commission grants preliminary approval for dedication of Fern Ridge in Marshall County as an Illinois Nature Preserve, as described in the proposal presented under Item 10 of the Agenda for the 220<sup>th</sup> Meeting.

(Resolution 2326)

220-11) Kane County – Addition to Freeman Kame Nature Preserve, Dedication

Steve Byers, on behalf of the Forest Preserve District of Kane County, requested final approval for dedication of a 101.9-acre addition (referred to as the Ed Meagher Savanna and Sedge Meadow) to Freeman Kame Nature Preserve that consists of a nature preserve addition (67.5 acres) and a nature preserve buffer addition (34.4 acres). The Commission granted preliminary approval for dedication of a 96-acre addition to Freeman Kame at its 200<sup>th</sup> Meeting in October 2008 (Resolution No. 2012). Freeman Kame Nature Preserve (35 acres) and the proposed addition (101.9 acres) are located within the larger 442.7-acre Freeman Kame-Meagher Forest Preserve owned by the Forest Preserve District of Kane County. Freeman Kame Nature Preserve and the proposed addition are located in the Morainal Section of the Northeastern Morainal Natural Division in Kane County, Illinois. The proposed addition includes high-quality (Grade B) sedge meadow and dry-mesic savanna, Grade C dry-mesic forest, Grade C freshwater marsh and Grade C or D mesic prairie. Surveys reveal the presence of five State-listed plant and animal species within Freeman Kame Nature Preserve and the proposed addition: including purple-flowering raspberry (*Rubus odoratus*), bog-panicked sedge (*Carex diandra*), buckbean (*Menyanthes trifoliata*), American bittern (*Botaurus lentiginosus*) and a reptile. Protection of the proposed addition supports elements of the Illinois Comprehensive Wildlife Conservation Plan; specifically action steps to restore and manage high-quality wetland communities and five wildlife species listed in that Plan as species in “greatest need of conservation”. Those species include the Dion skipper (*Euphyes dion*), broad-winged skipper (*Poanes viator*), sandhill crane (*Grus canadensis*), northern flicker (*Colapates auratus*), and a reptile. Maintain trails and provide for trail amenities. Dedication of the proposed addition will increase the size of Freeman Kame Nature Preserve from 35.0 to 136.9 acres.

Mr. Byers acknowledged Drew Ullberg and Monica Meyers of the Forest Preserve District of Kane County; the late Dick Young, local Naturalist, who put together information for this site; Jackie Coffey; Mary Kay Solecki; and John Dewer, former director of the Forest Preserve District of Kane County.

Commissioner Ruffner asked will they go all the way to the section line when burning the west side.

Steve answered the Forest Preserve District owns land to the west it just is not included in the nature preserve. They will not have to cut off the burn at the boundary but will use other features of the landscape for controlling or planting for controlled burns.

Drew Ullberg thanked the Commission for their attention to this dedication. This is a special place in our system. The district owns 20,000 acres of land and nine nature preserves. We are proud of those and Freeman Kame, not only because of the management we do but the land it represents and the species that depend on this land. We are dedicated to the conservation and stewardship of this land for the long term.

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

The Commission grants final approval for an Addition to Freeman Kame in Kane County as an Illinois Nature Preserve, as described in the proposal presented under Item 11 of the Agenda for the 220<sup>th</sup> Meeting.

(Resolution 2327)

220-12) Lake County – Addition to Hybernia Nature Preserve, Dedication

Steve Byers, on behalf of the Hybernia Area Homeowners Association, requested final approval for dedication of an addition to Hybernia Nature Preserve that includes three separate lots (totaling 0.533 acres) and a vacated portion of Cardinal Lane (totaling 0.43 acres). These parcels were granted preliminary approval for dedication at the Commission's 217<sup>th</sup> Meeting in May 2014 (Resolution No. 2290). At that time the three lots were owned by Georgene Gullicksen, A.P. Properties, and The Goldie House Trust, respectively. The lots have now been conveyed to the Hybernia Area Homeowners Association. The proposed addition consists of Grade C wet-mesic prairie and Grade C sedge meadow and is surrounded by Hybernia Nature Preserve and the Hybernia - Highmoor Prairie INAI site (INAI No. 1235). Hybernia Nature Preserve and the proposed addition support populations of the State-threatened small sundrops (*Oenothera perennis*) and a federally-listed species. Hybernia Nature Preserve and the proposed addition are located in the Morainal Section of the Northeastern Morainal Natural Division in southeastern Lake County, Illinois. Protection and management of the proposed nature preserve addition to Hybernia Nature Preserve will eliminate threats posed by these in-holdings and represents good preserve design. Dedication of this addition supports elements of the Illinois Comprehensive Wildlife Conservation Plan; specifically action items to improve the condition of existing natural wetlands, and restoring and enhancing acreage for rare/extirpated species and native plant communities. Formal dedication of this addition (0.963 acres) will increase the size of Hybernia Nature Preserve from 27.46 to 28.323 acres.

Steve thanked Tom Dimond, attorney representing North Lake Hospital, for being with him every step of the process, and working closely with the city of Highland Park to make sure Cardinal Lane was vacated.

Steve Byers acknowledged Dr. Robert Stanley, Vice President of Hybernia Area Homeowners Association; Mike Murphy and Kathy Churnich, Army Corps of Engineers; Kathy Pollock, U.S. Fish and Wildlife Service; City of Highland Park; and Tom Dimond, Ice Miller.

Dr. Robert Stanley, Vice President of the Hybernia Area Homeowners Association and Steward of the Hybernia Nature Preserve, thanked the Commission for considering this. These three lots, while small in area, are located in the geographic and ecological heart of the preserve. Had they ever been developed they would have irreparably harmed the preserve and through the efforts of many people over a long time, I think it is very fortunate that this has come together. The Hybernia Association is looking forward to getting this matter resolved and to preserve and protect this small but important preserve.

Commissioner Ruffner asked how this property is managed.

Mr. Byers answered primarily through prescribed burning and control of invasive species. The Homeowners Association has a contractor assist the Homeowners Association with management, primarily control of invasive species and with controlled burns.

Commissioner Ruffner commented that it seems like an awfully precarious parcel to be burning, it seems it would be very difficult.

Mr. Byers agreed it was a challenge.

Commissioner Ruffner congratulated Steve for accomplishing those burns.

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

The Commission grants final approval for an Addition to Hybernia in Lake County as an Illinois Nature Preserve, as described in the proposal presented under Item 12 of the Agenda for the 220<sup>th</sup> Meeting.

(Resolution 2328)

220-13) Cook Co. – Busse Dam Modification, Busse Forest Nature Preserve

Ken Jay, Elk Grove Village; Brian Karczewski, Stantec (consultant for Elk Grove Village); and John Wills, Wills Burke Kelsey Associates, Ltd., presented the proposal to modify a fixed concrete dam on Salt Creek to alleviate downstream flooding during storm events. Busse Forest Nature Preserve lies approximately 8,500 feet upstream of the dam. The 440-acre site, owned by the Forest Preserve District of Cook County (FPDCC), is recognized on the INAI (#0534) due to the presence of dry-mesic upland forest, mesic upland forest, freshwater marsh, northern flatwoods, and shrub swamp natural communities harboring nine state-listed species. The original dam installation in the vicinity of Busse Forest Nature Preserve was discussed by Commissioners on twelve occasions between January 1969 (24<sup>th</sup> Meeting) and October 1973 (49<sup>th</sup> Meeting). At the 49<sup>th</sup> Meeting, the Commission affirmed the FPDCC's opinion and approved the permanent inundation of 17.4 acres of formerly cultivated meadow and woodland of Busse Forest Nature Preserve (Resolution 310). The dam was constructed in 1975. In 2004, the Commission began deliberations (182<sup>nd</sup>, 186<sup>th</sup>, 187<sup>th</sup>, and 188<sup>th</sup> Meetings) on a proposed modification to the dam in the form of an inflatable rubber bladder that would restrict water flow out of the Busse Reservoir during heavy rain events thereby reducing flood damage downstream. At the 188<sup>th</sup> Meeting, the Commission approved the dam modification subject to operational conditions contained in an Applied Ecological Services (AES) report, including a Proposed Decision Matrix (outlining acceptable storm event inundation elevations and durations during periods crucial to plant growth and reproduction); approval of the modification by the landowner, FPDCC; and written acknowledgement by the project sponsor, the DuPage County Board, that a fine would be assessed for each day that the approved AES recommendations were violated (Resolution 1852). The funding for this dam modification was never realized. Now, Elk Grove Village through its consultant, Wills Burke Kelsey Associates, Ltd. (WBK), proposes replacing the fixed concrete weir with a pair of hinged gates that can be lowered and raised to take

advantage of the flood storage availability in the Busse Reservoir. The goal of the current proposal is to provide additional flood mitigation without inundating Busse Forest Nature Preserve either more frequently or for a greater duration. At the request of the INPC, WBK performed a comparative analysis of the current proposal within the previously approved AES Decision Matrix. This analysis exhibited an overall reduction in the inundation duration at the Decision Matrix-prescribed storm event elevations. This information was presented at the 215<sup>th</sup> meeting. Commissioners refrained from endorsement of the proposed dam modification until several conditions be met including an Intergovernmental Agreement providing assurances of the operational responsibilities. Elk Grove Village has met the requested conditions and is requesting final INPC approval for the proposed dam modifications with the hope of construction beginning in August 2015.

Kelly Neal reported the staff recommendation (Appendix II). Modeling and data do indicate that the gated structure should be an improvement and will be of benefit to the flora of Busse Nature Preserve. In our recommendation, we indicated all the items the Village has met and they have met all the items requested in 2013; and with that staff recommended approval of the dam modification.

Commissioner Derby-Lewis referring to the 158 historic storms and the ability in the modeling to have them reduced, asked for a ballpark of how many of those 158 historic storms were of the 100 year flood events.

John Wells stated that DuPage County and engineering in general, has stopped talking about flood frequency because it has become such a source of confusion. Of those 158, some of the most extreme storms Salt Creek experienced (the 2008 flood, the 1987 flood), are still the flood of record and are well over the 100 year storm events. They also used design storms. Those are driven by rainfall frequencies which have a much longer and much more stable, statistical basis for them. When talking about the difference between the historical storm and the 100 year storm, this is the difference. This gives us away to look at what actually happened.

Commissioner Derby-Lewis asked if the downscale climate projections were used.

John Wells answered engineers believe this to be the way of the future is stop putting in fixed weirs that are done for a single storm as a design point. Instead put in things that are more resilient and more adaptable as climate change comes. We did not use any new statistical projections in doing this. There are at least three events that are in excess of what we would consider a 100 year storm.

Commissioner Derby-Lewis asked why new statistical projections were not used.

Mr. Wells answered as engineering projects go, this project had a large number of requirements, that getting through those for approval was more than usual for any project to handle previously. IDNR did not present us with that as a requirement. They were content with the design storms of the Illinois State Water Survey.

Commissioner Derby-Lewis asked that this is not standard practice.

Mr. Wells answered not at this time.

Commissioner Thomas asked if this dam as originally constructed reduced the flooding downstream.

Mr. Wells answered very significantly. For the storm event, it was the right solution for the wrong problem. It was the solution to a storm but not the solution to a number of storms. That is what this project is focused on is a band of storms but it really is not as effective as it could be.

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

The Commission grants approval for the Busse Dam Modification in Cook County, as described in the proposal presented under Item 13 of the Agenda for the 220<sup>th</sup> Meeting

(Resolution 2329)

220-14) Draft 2015-2020 Strategic Plan

A draft INPC 2015-2020 Strategic Plan for was prepared based on the results of staff SWOT analysis, INPC Special Meeting on January 26, 2015, the 219<sup>th</sup> Meeting of the INPC and INPC Staff preparation of objectives. Comments are being requested from Commissioners, Advisors and consultants to the Commission, and INPC and IDNR staff. Once comments are collated and addressed, a final draft will be presented to the Commission for approval. The target date for that will be the 221<sup>st</sup> meeting of the INPC in September 2015. Randy Heidorn presented the draft plan which is included as Appendix II. Comments, questions and responses are listed below.

Commissioner McClain asked, looking at Goal 3, are you meaning certain geographic areas of the state as areas of biodiversity; or are you looking at different types of flora or fauna and identifying areas where those are more predominant or diverse.

Director Heidorn answered that the emphasis of that is to fill in the gaps of the nature preserve system. The original natural areas plan called for protecting the examples of all of the community types across the natural divisions and sections, along with all the viable endangered species habitat types. This effort is determining what gaps in the system exist and how are those filled.

Commissioner McClain commented that at first glance would seem like a simple thing, but is really quite complex and extremely important.

Director Heidorn commented that they really divided the objectives and strategies into things that really could do be done, realizing impending changes that are real limitations on what can be accomplished.

Commissioner Dann asked if Objective 1.11 is exclusive of IDNR land.

Director Heidorn answered that it does include IDNR land. This is across all landowners and partners.

Commission McClain asked about volunteers or partners doing research and monitoring of sites. Many of the nature preserves have studies that have been conducted on them and could be made available and serve as baselines and build upon that data in the future. Maybe some of the volunteers/partners could be trained to do this sort of work. Cost has always been one of the limitations we've had in getting this information on these systems. It would be an asset to have volunteers/partners who would do this.

Director Heidorn answered that is one of the objectives is to develop a database of people who are qualified in doing data collection.

Break from 11:40 a.m. to 12:30 p.m. for lunch.

Commissioner McClain commented that we need and want is all communities protected, and in order to get some of them, we will have to re-create them. The re-creation or restoration, will be a big part of the movement and more so in the future. So, in that gap analysis, somewhere we could have a site where a community, might be created if we have the biological data to support it.

Commissioner Covington suggested that the INPC participate with the Land Trust Alliance's training and we should be a part of that, sending staff, volunteers, partners to their rally.

Commissioner Dann asked who the draft will be submitted to and how will you distribute the questions/responses that you receive.

Director Heidorn answered Commissioners, Advisors, Consultants and staff by June 15<sup>th</sup>, 2015. At that point, putting it out there for public comment.

Commissioner Derby-Lewis asked Director Heidorn what his vision for participation is.

Director Heidorn answered to put it out on the web to let people see it. See if we get positive, negative or no response. Based on that, be able to make an informed decision to the Commissioners what changes are necessary or if we want to go forward with it as is. He does not see it going beyond our Commissioners, advisors, consultants and internal staff during the first review.

Commissioner Thomas commented you can put it on the web and people can send comments in.

Commissioner Derby-Lewis commented that if putting it up on the web is only seen by those who are in the know, it may not expand the reach to new partners which maybe a lost opportunity.

Commissioner Thomas answered he does not see the staff time available to really do a public comment.

Commissioner Mogerma agreed with Commissioner Derby-Lewis that the public comment other than on INPC's website, might help reach more partners. She suggested that we might consider targeting bilingual communities.

Commissioner Ruffner asked who is going to implement the developing of monitoring programs.

Commissioner Thomas asked more specifically, who will be responsible for goals/strategies. The plan needs to be more specific on that. The Commissioner's role is not specified.

Commissioner Dann stated that it is a very ambitious plan but it is challenging in the absence of the institutional memory that our current executor director brings, whatever the skill and competency level of the appointed replacement. It is scary as future chair and is a great concern.

Director Heidorn stated that the vision of a lot of this plan will be carried out by much of the staff, at the program and project level. What we have historically done, for example, the Land and Water Reserve Task Force, a group of staff members participated and developed modifications in how we do our land and water reserves now. It is how I envision developing the monitoring protocols. A lot of these documents exist it is just meshing them together. This plan assumes that that our current operational structure remains. With his retirement, it becomes more daunting. There is a section about implementing the plan that does address this issue. Every January, there would be an annual report about progress on the plan and who has been assigned which projects. Without administrative staff, this becomes very difficult.

Commissioner Thomas commented that as Commissioners it would be good to have more clarity as to which lands qualify for inclusion since we approve these.

Commissioner Mogerma agreed it was a very ambitious plan and liked the structure. You may be able to carry this out given the comments a little further. Toward the end of the plan emailed, there is the SWOT analysis, if you substituted this for some sort of matrix that outlines the strategy and who is responsible or involved in it. This may address years from now why or why have not things been done or gone as planned. By noting things that you would like to do, but do not have the staff is important given your transition, would help identify this and help Commissioners with identifying things which need discussed.

Commissioner McClain asked where he could learn more about the training school in Florida.

Director Heidorn answered the Florida Natural Areas Training Academy is a partnership between The Nature Conservancy, Florida State University and Valencia Community College. They have a series of classes and courses they teach which is a certification program including courses in chainsaw maintenance and stewardship. The Natural Areas Association developed an accreditation package for the Academy and has developed standards for this type of program.

Commissioner McClain asked if they include courses in landowner contacts and building a volunteer base.

Director Heidorn answered yes.

Will Overbeck commented that it seems like it would be important to get internal training for staff and more so than public outreach. There is public outreach for this type of training at forest preserve districts and various stewardship networks. Maybe there is a need for training contractors since a lot of jobs get contracted out.

Commissioner Ruffner commented that he sees this training as hierarchical. It seems the interns and professional staff needs a certain level of training. As a new commissioner, he felt there is a lot he needs to learn about the INPC. He could help teach the chainsaw operation and maintenance.

Joe Roth commented depending on the training, there are various ideas about what is wanted. He is working with several sites with plant monitoring and hydrologic monitoring. INPC could reach out to local high schools and use it as a training opportunity. One of these sites could be a trial allowing the pairing of the site and have multiple years of plant community data what is occurring with the groundwater. Dealing with something living versus the blackboard might be one idea to approach it.

Director Heidorn commented the whole idea of the Training Academy was more of an umbrella concept to support and promote better natural areas conservation in and outside the INPC. To get there we have to define our boundaries and building bits and pieces of the concept.

Valerie Spale commented that the work of the Commission is one of the most valuable things happening in the State of Illinois. Probably most of the people have not even heard of the INPC and the work being done in saving our land, the threatened and endangered species and restoration. She felt this was an excellent plan, but you need to think beyond now and figure out how to build your constituency base in the public by bringing in a friends group or support group to help strengthen the support of what you do. There are constant threats to your funding and not filling positions. If there is some place to cut and no voices to stand up to defend INPC, then the INPC is a victim. INPC needs to develop a constituency friends group that has connections to legislatures and can call their senator or representative at a time when legislation is being presented to ask for the support of the Commission programs. Only private citizen groups or non-for-profits can become politically active.

Commissioner Thomas agreed. One of the ideas in the plan is to support legislation for grants for the trusts. If we can have trusts from around the state that are connected with us and funding that comes from NAAF, they become advocates. This is another group that has local legislatures that can be advocates for continuing the funding. That may be one of the more viable routes to get there. He told Ms. Spale her points were very well taken and appreciate them. He encouraged everyone to get their comments in by June 15, 2015.



Director Heidorn read the following:

INPC meetings minutes for August 2, 2005; May 2, 2006; May 6, 2008; May 5, 2009; May 7, 2013; and September 10, 2013, were closed in accordance with the Open Meetings Act to discuss the purchase of real property. Section 2.06 of the Open Meetings Act provides that public bodies shall periodically, but no less than semi-annually, meet to review minutes of all closed sessions. At such meetings, a determination shall be made and reported in an open session that 1) the need for confidentiality still exists as all or portions of these minutes; or 2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

Director Heidorn spoke with OREP, there are still parcels in each of these minutes that are in the process of land acquisition and OREP has asked that they remain closed.

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

The Commission has reviewed the minutes of the Closed Meeting, held August 2, 2005; May 2, 2006; May 6, 2008; May 5, 2009; May 7, 2013; and September 10, 2013, and directed the minutes remain closed.

(Resolution 2330)

220-16) FY 2015 and 2016 NAAF Defense Program

Director Heidorn reported the Natural Areas Acquisition Fund (NAAF) capital appropriation for Defense in FY2011 through FY2012 included \$225,000 each and \$250,000 in FY2013 through 2015 to fund contractual natural area defense activities needed on properties included in one of the INPC's protection programs. NAAF defense projects that were begun in years prior to FY2015 and continued or completed during FY2015 include: funding the Illinois State Geological Survey (ISGS) to collect and review groundwater data needed to assess impacts of proposed off-site development, threats or damages, prepare Class III Special Resource Groundwater petitions to the Illinois Environmental Protection Agency for INPC program sites and provide groundwater consulting services for the INPC staff. In FY 2015, a new contract has been proposed to continue the current monitoring at sites. This current proposal is for continuing monitoring at several INPC protected sites. We are also awaiting a contract proposal for some additional Class III delineations from the ISGS. The Plants of Concern Project, coordinated by the Chicago Botanic Garden is being funded at \$14,000. In FY2016 \$250,000 may be available for allocation to defense from this year's appropriation. Specific projects will be selected as needed but will likely include a continuation of the aforementioned groundwater data and consultation services at some level. In addition we are planning on using this source of funding to collect status information on resources within the preserves and reserves to improve INPC's ability to monitor the status resources prior to threats occurring up to \$50,000. Specific projects funded during FY2016 will be reported in May, 2016.

Commissioner McClain commented that he would like to see stiffer penalties for some of the offenses that happen often.

Director Heidorn answered that is why it is critical to have the groundwater contract available to us because they can provide us data that can be brought to bear in the court of law.

Director Heidorn requested approval to continue the same approach for using defense funds.

It was moved by Commissioner Derby-Lewis, seconded by Commissioner Ruffner, and carried the following resolution.

The Commission grants approval to continue the NAAF Defense Program for use of the FY 2016, as described in the proposal presented under Item 16 of the Agenda for the 220<sup>th</sup> Meeting.

(Resolution 2331)

220-17) FY 2016 NAAF Land Acquisition Program

John Wilker reported the Natural Areas Acquisition Fund (NAAF) is administered by the IDNR with review and recommendations of specific land acquisition projects by the INPC. Since last year's report, NAAF expended just over \$560,000 to add 3 parcels totaling slightly more than 160 acres to the states portfolio of natural areas. The IDNR has option contracts on another four parcels totaling 2205 acres with an anticipated cost of around \$1,500,000. As of April 20th, 2015 the state budget has not been approved. The capitol budget for land acquisition from NAAF has not been established. A final decision on the amount of funds to be used for land acquisition in FY16 has not been made. It is anticipated however, that the NAAF Fund should sustain an anticipated target of \$1,000,000 in additional land acquisition expenditures. Therefore, as some parcels have been on the list for several years with some work in progress, the proposed FY16 list is recycled from the viable remainders of the FY13, FY14 and FY15 lists. All of these projects have been approved previously by the INPC. This combined list contains eleven parcels totaling around 3,900 acres at an anticipated cost of almost \$10,000,000. If additional parcels receive favorable regional review they will be brought before the Commission at a later date. The INPC is asked to review and approve a larger list than there is funding for because matching monies will be sought to stretch NAAF dollars and negotiations with some landowners will not be successful. All of the proposed parcels are 1) identified Illinois Natural Area Inventory sites or, 2) buffer a Nature Preserve or Land and Water Reserve owned by the IDNR or, 3) provide habitat for endangered and threatened species of animals or plants.

Commissioner Thomas asked if after the legislative session and budget approval if some of these funds that are still available, might be released.

Director Heidorn answered the he has done a considerable amount of analysis. The projects on contract and an additional project for approximately a million dollars and then an additional million on top of that, we can sustain. Any more than that, we might start impacting operations because we may not have the cash flow to cover it. There is no concern with the \$3.5 million in contracts, but beyond that it would be risky.

Commissioner McClain asked if any of these secured parcels, are there any additional parcels purchased that are necessary for a project to proceed.

Mr. Wilker answered three successful acquisitions, two at Cache River which have a large scope identified and one at Franklin Creek which also has a large acquisition target. All of these parcels were to help complete large preserves designs that would facilitate large scale projects.

Commissioner McClain asked that with no purchases, are there preserve designs, large scale projects or restorations that could not go forward.

Director Heidorn asked Commissioner McClain if he meant the projects that are waiting to be purchased.

Commissioner Thomas answered that it is his understanding we cannot discuss these without going into execute session. He believed Commissioner McClain wanted a general response.

John Wilker answered that they are all tied to large projects.

It was moved by Commissioner Derby-Lewis, seconded by Commissioner Mogeran, and carried that the following resolution be approved:

The Commission grants approval for the FY 2016 NAAF Land Acquisition Program and grant approval of the executive director to approve proposed acquisition of land listed on the INAI, as described in the proposal presented under Item 17 of the Agenda for the 220<sup>th</sup> Meeting.

(Resolution 2332)

220-18) Public Comment Period (3 minutes per person)

No Public Comments.

220-19) Other Business

No other business.

220-20) Adjournment

Commissioner Dann motioned to adjourn. It was seconded by Commissioner Ruffner and approved. The INPC adjourned at 1:54 PM.