

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF 196th MEETING, November 18, 2022

Illinois Department of Natural Resources, Director's Boardroom

One Natural Resources Way, Springfield, IL 62702

and remotely via WebEx

Approved at the 197th meeting, February 3, 2023

BOARD MEMBERS PRESENT: Dr. Angelo Capparella, Ms. Samantha Chavez, Dr. Jeremie Fant, Dr. Joyce Hofmann, Mr. Randy Schietzelt, Dr. Tih-Fen Ting, Dr. Philip Willink, and Mr. Chris Young.

BOARD MEMBERS ABSENT: Dr. Janice Coons.

OTHERS PRESENT: Heather Osborn (IDNR Division of Natural Heritage ITA Coordinator), Brian Metzke (IDNR Division of Natural Heritage, Aquatic Ecologist), Ann Holtrop (IDNR Division of Natural Heritage), Natalia Maass (IDNR Division of Natural Heritage Database Program), Joe Kath (IDNR Division of Natural Heritage), Tara Kieninger (IDNR Division of Natural Heritage Database Program), Leon Hinz (IDNR Division of Natural Heritage), Kelly Neal (INPC), Michelle Bloomquist (IDNR Statewide Recovery Specialist), Angella Moorehouse (INPC), Trent Thomas (IDNR Division of Fisheries), David Gibson (SIUC), Susanne Masi (volunteer Chicago Botanic Garden – Plants of Concern program), Nancy Perlman (Environmental Health Trust), Theodora Scarato (Environmental Health Trust), Erica Rosenberg (Environmental Health Trust), Maddie Ellis (Chicago Tribune), Bob Bluett (retired IDNR), and Sheila Resseger.

1. Call to Order, Roll Call of Board Members, and Introduction of Guests

Vice-Chair Ting called the meeting to order at 10:00 A.M. and conducted the roll call (Chair Hofmann attended remotely). Seven voting Board members were in attendance, constituting a quorum. Dr. Ting welcomed the visitors and asked them to introduce themselves.

2. Adoption of Agenda

Dr. Capparella moved that the agenda be adopted as presented. The motion was seconded by Dr. Hofmann. The motion passed unanimously on a roll call vote.

3. Approval of Minutes from the 195th Meeting

Draft minutes of the 195th meeting had been distributed to Board members prior to the meeting by email. Dr. Capparella moved that the minutes of the 195th meeting be approved as presented. Dr. Hofmann seconded the motion and it passed unanimously. Dr. Hofmann said that she would have the minutes posted on the website.

4. Report from the Illinois Department of Natural Resources (IDNR)

The Department's report had been distributed to the Board via email and in person. Ms. Holtrop stated that Michelle Blumquist had been hired as the Statewide Recovery Specialist.

The Chicago Rockford Airport withdrew its ITA following the US Fish and Wildlife Service's (USFWS) "may affect, not-likely-to-adversely-affect" determination of the proposed actions on Rusty Patched Bumble Bee. It was the Airport's choice to withdraw what is considered an optional permit. Ms. Chavez asked if ESPB reviewed the field surveys. Ms. Holtrop replied that IDNR had not yet received the results of the surveys. Ms. Chavez asked if work can now commence. Ms. Holtrop answered that it could and IDNR is no longer involved. Ms. Chavez wondered if consultation was closed. Ms. Holtrop was not sure what the Airport had decided. Dr. Capparella asked if USFWS took into consideration only local impacts or range-wide impacts. Ms. Holtrop explained that they usually look range-wide, and that USFWS gave a detailed response on this matter. Dr. Capparella inquired if IDNR assessed bees at the site. Ms. Holtrop replied that it was only done through consultation. Ms. Chavez asked about the plant species. Ms. Holtrop answered that the Airport looked for Prairie Dandelion and did not find it. Other species will be taken.

USFWS announced a proposal to list the Tricolored Bat as endangered under the Federal Endangered Species Act and IDNR is now conducting surveys. Dr. Capparella wondered when Illinois will add this species to the Illinois list of Threatened and Endangered Species. Dr. Hofmann explained that it is automatic and immediate. We can decide later whether to list it as endangered or threatened at the state level.

Ms. Chavez asked if Illinois recognizes "may affect, not-likely-to-adversely-affect" from USFWS. Ms. Holtrop replied that the recognition by IDNR and USFWS is separate, but difficult for Illinois to enforce because it can be difficult to document take in these situations.

IDNR is assisting the USFWS and its conservation partners with their Species Status Assessment for the Spotted Turtle. USFWS is assessing a petition to list the Southern Plains Bumble Bee.

IDNR is working with Illinois Natural History Survey (INHS) on plant assessments and sRanks. Discussions will tie together the efforts of the IDNR, INHS, Illinois Native Plant Society, and Plant Endangered Species Technical Advisory Committee (ESTAC).

The Department's Species Recovery Process continues to move forward. To date, 35 of 38 Species Status Assessments have been finalized. IDNR is now moving into the second phase which includes identification and prioritization of conservation actions.

There was a recent meeting of the Natural Areas Evaluation Committee. A focus of the meeting was preliminary approval of the 2022 Illinois Natural Areas Inventory Standards and Guidelines. Next steps are development of clear standards for boundary development and management prioritization within Category II INAIs (specific suitable habitat for listed species). Ms. Chavez asked if there was a process for removal of sites. Ms. Holtrop replied that there always has been.

5. Report from the Illinois Nature Preserves Commission (INPC)

An INPC report was distributed to the Board prior to the meeting via email. Ms. Neal stated that this report was basically the same as the August 2022 report. There are 355 Nature Preserves (NP) or Land and Water Reserves (LWR) that are Category II INAI sites (specific suitable habitat for threatened or endangered species). There are 435 NPs or LWRs that at least partially

contain a listed species and 1,765 endangered and threatened records at least partially within an NP or LWR. A total of 396 (of 486) listed species occur at least partially within an NP or LWR. The INPC clerical position has been posted. The Natural Areas Protection Specialist position in Ogle County must be reposted due to the CMS transition from paper applications to an online system.

Heather McLean, INPC Graduate Public Service Intern from University of Illinois – Springfield, has been assisting Springfield staff in updating INPC’s website and database. She has also taken the lead in updating ESPB’s webpage.

INPC facilitated a Blue Ash (*Fraxinus quadrangulata*) recovery project at Elkhart Hill Grove NP and LWR.

6. Report from the Chair of the Illinois Endangered Species Protection Board

Shortly after this meeting, Dr. Hofmann will provide a written report on her activities since the last meeting; the report is attached to these minutes. She performed the usual administrative tasks of dealing with email, reviewing draft minutes from the previous meeting, distributing draft ITAs and Conservation Plans to Board members, and distributing materials for the current meeting. She coordinated scheduling the Terrestrial Invertebrate ESTAC meeting, which will take place December 1, 2022 at the Illinois Natural History Survey.

7. Annual Ethics and Harassment and Discrimination Prevention Training for Board Members

Dr. Ting reminded everyone to send their training completion certificates to Dr. Hofmann. Mr. Young will coordinate training for new Board members. Dr. Hofmann wanted it on record that all Board members have complied with training requirements.

8. Board Appointments and Staff

Ms. Chavez was recently appointed to the ESPB and this is her first meeting. Members welcomed her. Mr. Young indicated that another appointment is in the works.

Dr. Hofmann stated that the ESPB used to have an Executive Director, but funding cuts eliminated the position in 2015. Drs. Hofmann, Coons, and Ting compiled a list of duties that could be handled by a director or equivalent position. Dr. Ting mentioned that Dr. Hofmann is doing a lot of work that was once done by compensated staff (since Board members are not paid). Mr. Young had asked for a Scope of Work so he could discuss this with IDNR Assistant Director John Rogner.

Mr. Schietzelt added that paid staff produced materials for the ESTACs in the past. He and Dr. Hofmann produced much of this material during the last list revision. Now database staff are helping.

Ms. Chavez said the people still use ESPB materials from the 1990s, and that it would be nice to have more reports.

Dr. Ting mentioned that Board staff are exempt from Illinois Personnel Code. This would facilitate the posting and hiring of the position.

There was a consensus for Mr. Young to use the Scope of Work as presented by Drs. Hofmann, Ting, and Coons.

9. Approval of Additional Members of Endangered Species Technical Advisory Committees (ESTACs) for the 2025 Review and Revision of the Illinois List of Endangered and Threatened Species

Dr. Capparella moved that Marissa Chase, Sam Heads, and Laura Rericha-Anchor be added to the list of Terrestrial Invertebrate ESTAC members. The motion was seconded by Ms. Chavez. The motion passed unanimously on a roll call vote.

Mr. Schietzelt moved that Philip Cox be added to the list of Plant ESTAC members. The motion was seconded by Dr. Hofmann. We temporarily lost internet connection with Dr. Fant. The rest of the Board passed the motion unanimously on a roll call vote.

10. Discussion on the Sample Data Packet for ESTAC Members Provided by Illinois Natural Heritage Database Staff

Ms. Maass and Ms. Kieninger were available for questions.

Dr. Hofmann commented on the supplied table showing sRanks, indicating that it would be useful to have a key for the numbers (ranks).

Dr. Ting asked if each bird Element Occurrence Record (EOR) was an individual or a nest or something else. Ms. Maass answered that each EOR is an observation at a nest. Dr. Ting then asked if they were unique nests or overlaps. Ms. Kieninger clarified that each EO is a unique nest, as far as they can tell.

Dr. Ting wondered if Species Assessments would be useful for ESTACs. Ms. Maass replied that Mr. Kath had looked for these, and they will be included in future packets.

Mr. Schietzelt mentioned that some animals are easy to observe, whereas others are not. He asked if this skews the data. Dr. Hofmann answered that it did and that ESTACs need to take this into account.

11. Discussion on the Scheduling of ESTAC Meetings

The Terrestrial Invertebrate ESTAC will meet December 1, 2022. Dr. Hofmann will oversee coordination of ESTAC meetings with help from the other Board members. Dr. Ting will help with mammals, Dr. Capparella with birds, Dr. Willink with fishes, Dr. Coons and Dr. Fant with plants, Ms. Chavez with reptiles and amphibians, and Mr. Schietzelt with aquatic invertebrates. It had previously been decided that the Plant ESTAC should meet early during the revision process so it will meet next. Ms. Kieninger and Ms. Maass will start preparing data packets for northern Illinois plants.

12. Discussion on the Proposed Production of a Demonstration Video on How to Complete a Petition Package

Dr. Hofmann indicated that this idea originated from Dr. Fant and Dr. Coons. Dr. Fant stated that a short video would be helpful for people navigating a petition package. A student could put the video together and he may have some individuals that he can ask.

13. Response to an Inquiry from the Illinois Native Plant Society Concerning Plant Priority Species

Dr. Hofmann started by saying that the former ESPB Director had developed several recovery outlines for plants, but the ESPB never voted on these as “priority” species. During the last list

revision, the Plant ESTAC produced a list of species for which surveys were recommended. Now IDNR has a priority list for plants. Dr. Fant added that there is a lot of overlap among these lists.

Ms. Masi asked if the Illinois Native Plant Society (INPS) should use the Species Recovery List on the Board website for grant applications. They have done so in the past, but the list is old. She wondered if the list of species with recovery outlines is still relevant or the INPS should use the IDNR list.

Dr. Hofmann clarified that the ESPB does not have an official list. She felt that people should now use the IDNR/INHS list.

Ms. Masi indicated that this was for a survey grant that includes all threatened and endangered species as well.

Ms. Chavez asked if the INPS disagrees with the list. Ms. Masi replied that was not the case; they just want to be inclusive with other groups.

14. Presentation: Cell Towers, Wildlife and Trees – Theodora Scarato, Executive Director, Environmental Health Trust

Dr. Hofmann introduced the presenter. Ms. Scarato stated that wireless networks are increasing environmental exposures to non-ionizing electromagnetic radiation. Frequencies are increasing and exposure levels are increasing. Federal Communications Commission (FCC) standards, which are based on thermal heating, are 30 years out-of-date. Limits were designed for people, not wildlife. A review article by Levitt et al. 2021 was distributed by email prior to this meeting. There is currently a regulatory gap, with no systematic review of the totality of evidence, and no risk or hazard assessment for environmental effects. Insects and birds appear to be at particular risk. Electromagnetic fields impact wildlife as well as tree and plant growth.

Ms. Erica Rosenberg continued the presentation by focusing on the National Environmental Policy Act (NEPA). There are different levels of review: Environmental Impact Statement (EIS), Environmental Assessment (EA), and Categorical Exclusion (CE) as well as the Council on Environmental Quality (CEQ). The FCC categorically excludes everything, except for extraordinary circumstances. FCC NEPA rules have a unique structure. For example, an exclusion determination delegated to applicants, submission of draft EAs by applicants, and no submission of documentation for categorical exclusions. FCC deviates from NEPA by generally not considering state-listed species and having limited public review.

Ms. Chavez asked if CEQ have been helpful in reviews. Ms. Rosenberg responded that in the past CEQ has been involved but was generally unhelpful.

Dr. Hofmann inquired about what would happen if FCC sets new guidelines. Ms. Rosenberg replied that CEQ would have to be consulted for FCC NEPA rules. Dr. Hofmann continued by asking what the Environmental Health Trust would like to see moving forward. Ms. Scarato would like to see a full environmental review of 5G. Ms. Rosenberg said FCC has never done an overall EIS.

Ms. Chavez commented that FCC and other agencies have regulatory gaps. She asked if state-listed species can fill these gaps. Ms. Scarato felt that regulations for deployments would help at the state level, but federal action is needed. Ms. Rosenberg added that considering state-listed species would be helpful, but federal agencies can “get things done.”

Mr. Schietzelt observed that electric companies put structures up to prevent nesting on their equipment. He asked about doing something similar with cell towers. Ms. Scarato replied that it would be great to get more involvement of that type. Currently, mitigation actions are not mandatory. Mr. Schietzelt continued by asking about the decline in electromagnetic radiation away from towers. Ms. Scarato clarified that levels are reduced by the square power, but lots of towers and facilities have been and are being built.

Ms. Scarato concluded by saying India dropped allowable levels after a report documented the effects.

15. Approval of the Schedule for 2023 Quarterly Board Meetings

After a brief discussion, the dates of February 3, May 19, August 25, and November 17 were suggested for the 2023 ESPB meetings. Mr. Schietzelt made a motion to accept the dates, which was seconded by Ms. Chavez. The motion passed unanimously on a roll call vote.

16. Public Comment Period

There were no public comments.

17. Other Business

Mr. Schietzelt has been representing ESPB at Natural Areas Evaluation Committee meetings. The next meeting can be attended via WebEx on February 28, 2023.

Dr. Capparella asked when the county summaries of listed species was last updated on the ESPB website. Ms. Kieninger said that they try to do it monthly.

Ms. Chavez inquired how often state and federal agencies meet to share records, Ms. Kieninger replied that it was haphazard and depended on the species. Furthermore, different agencies use different criteria, but there is some coordination.

18. Adjournment

Vice-Chair Ting adjourned the meeting at 12:16 P.M.



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Report from the Chair, 18 November 2022

Joyce Hofmann

Activities for the period between the 195th and 196th Board meetings

- performed follow-up for 195th meeting – arranged for the final agenda of the 195th meeting and the approved minutes of the 194th Board meeting to be posted on the Board’s website
- monitored the Board’s email account – responded to some messages, forwarded others to appropriate personnel at the Illinois Department of Natural Resources (IDNR)
- reviewed draft minutes for the Board’s 195th meeting
- distributed six draft Incidental Take Authorizations (ITAs) to Board members for potential review
- notified members of the Terrestrial Invertebrate Endangered Species Technical Advisory Committee (ESTAC) that their appointments had been approved at the 195th Board meeting
- completed online Ethics and Harassment and Discrimination Prevention training for Board members
- met with Vice Chair Ting to discuss Board functions
- compiled a Scope of Work for the position of Board Director
- scheduled a meeting for the Terrestrial Invertebrate ESTAC and distributed materials provided by Illinois Natural Heritage Database staff
- prepared for the 196th Board meeting – prepared the notice for the 196th meeting, developed an agenda for the 195th meeting, had the draft agenda posted on the Board’s website and at the IDNR building, and distributed materials for the 196th meeting to Board members