

ILLINOIS NATURE PRESERVES COMMISSION

Minutes of the 233rd Meeting  
(Subject to approval at the 234th Meeting)

Douglas-Hart Nature Center  
2204 DeWitt Avenue East  
Mattoon, IL 61938

September 10, 2019

233-1) **Call to Order, Roll Call, and Introduction of Attendees**

Commissioner Covington called the meeting to order at 10:02am and Valerie Njapa read the roll call.

Commissioners Present: George Covington, Donald Dann, Pen DauBach, Abigail Derby Lewis, William McClain, Charles Ruffner, David Thomas

Commissioners Absent: Jo-Elle Mogerma, Deborah Stone

Commission Advisors Present: Eric Schaubert, Illinois Natural History Survey

Commission Consultants Present: Fran Harty, The Nature Conservancy (TNC); Joseph Roth, Kerry Leigh, Natural Land Institute (NLI); Jim Herkert, Illinois Audubon Society (IAS)

Others Present: John Rogner, Assistant Director IDNR, Valerie Njapa, Kelly Neal, John Griesbaum, Angella Moorehouse, Kim Roman, Sami Childerson, John Nelson, Debbie Newman, Byron Paulsen, Kevin Sierzega, Stacy Burkett, Marni English Illinois Nature Preserves Commission (INPC); Marni English, IDNR Office of Land Management (OLM); Connie Waggoner, Nathan Grider, Justin Dillard, Dawn Cobb, IDNR Office of Realty and Capital Planning (ORCP); Ann Holtrop, Todd Strole, Jenny Skufca, John Wilker, Morgan Walder, Brian Metzke, Jeannie Barnes, Christina Feng, Stephen Tillman, IDNR Division of Natural Heritage (DNH); Angelo Capparella, Endangered Species Protection Board (ESPB); Pati Vitt, Lake County Forest Preserve District (LCFPD); Charles O'Leary, Forest Preserves of Cook County (FPCC); Sarah Livesay, David Mott, Grand Prairie Friends (GPF); Gretchen Knapp, Illinois Audubon Society (IAS); Roger Beadles, private landowner.

233-2) **Adoption of Agenda**

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

233-3) **Approval of Minutes for the 232nd Meeting, May 14, 2019**

Commissioner Covington asked for a motion and approval of the 232nd Meeting minutes.

It was moved by Commissioner Ruffner, seconded by Commissioner McClain, and carried that the minutes from the 232nd Meeting be approved.

**Amendment to Minutes for the 232nd Meeting previously approved:**

Page 9, comment from Jim Herkert regarding Round Pond. Original Minutes as approved read, “He thanked great partners such as the Illinois Clean Air Energy Foundation...” SEE ATTACHED

Amended Minutes read, “He thanked great partners such as the Illinois Clean Energy Community Foundation...” SEE ATTACHED

Commissioner Covington read the following:

At the 232nd Meeting of the INPC, held on May 14, 2019, at Crystal Lake Park District, Crystal Lake, Illinois, legal protection was completed by the Commission for 5 tracts of land totaling 807.7 acres. Four of the five tracts are publicly owned, and one is privately owned. The individuals who own the private site donated the value of the protection agreement to the public. The private land was permanently preserved without further acquisition of the land by the State. Lands protected include the addition to Thornton-Lansing Road Nature Preserve; Wampum Lake Nature Preserve; Ellison Creek Sand Prairie Nature Preserve; English Prairie Nature Preserve; and Alden Sedge Meadow Nature Preserve.

Protection of these lands came about because the Commission had nine staff in the field working with private and public landowners. There are 398 dedicated nature preserves totaling 60,094 acres; and there are 192 land and water reserves totaling 53,616 acres.

233-4) **Next meeting dates and locations**

Special Meeting 234 <sup>th</sup> Meeting	January 21, 2020 – Tues. January 22, 2020 – Wed.	Illinois Department of Natural Resources, Springfield, IL Illinois Department of Natural Resources, Springfield, IL
235 <sup>th</sup> Meeting	May 12, 2020	Starved Rock State Park Lodge, Oglesby, IL
236 <sup>th</sup> Meeting	September 15, 2020	Olney Central College, Olney, IL

233-5) **INPC Staff Report**

**APPENDIX I**

Valerie Njapa presented the INPC staff report.

Commissioner Dann commented that he has worked closely with Brad Semel for over 20 years on the Great Lakes State-endangered common terns project and has video of the raft that was built to serve as an artificial nesting platform for the tern to share with everyone if they would like to see it. Commissioner Dann stated it was an amazing project with tremendous success.

John Rogner, Assistant Director, Illinois Department of Natural Resources, expressed how great it is to be back with IDNR. Mr. Rogner thanked George Covington and Donnie Dann for sitting down with Director Callahan and himself. It was a very good introduction and got this administration off to a good start in building their relationship. As Assistant Director, Mr. Rogner stated his responsibilities encompass the full diversity of this organization. He said he personally identifies most closely with the Heritage and Nature Preserves function, which is near and dear to his heart. The hope is to strengthen ties and relationships which could include some type of internal reorganization. Mr. Rogner is aware of the need to fill positions and is working closely with Human Resources to review position descriptions. He asked for patience during this process and reassured that the wheels are moving in a forward position. Mr. Rogner thanked everyone and stated again that he is very happy to be back.

Commissioner Covington spoke on behalf of the Commissioners by saying they are thrilled to have Mr. Rogner back with IDNR and look forward to working with him in the years to come.

233-6) **IDNR Staff Report**

**APPENDIX II**

Ann Holtrop, Chief of the Division of Natural Heritage and Connie Waggoner, Assistant Director Office of Realty & Capital Planning presented the IDNR staff report.

Commissioner McClain stated he is pleased to see the acquisition of land at Sand Prairie Scrub Oak.

Commissioner McClain noted that there are great moments for those who are involved in this type of work, and that progress made little by little, is significant.

233-7) **Endangered Species Protection Board Staff Report**

**APPENDIX III**

Angelo Capparella presented the ESPB staff report

Commissioner Dann asked when the Endangered Species Protection Board will conduct the public hearing on proposed list changes.

Mr. Capparella answered it will be held in October at the Department of Natural Resources. An announcement will be placed on the website.

233-8) **Committee of the Whole Meeting to propose nominations for Illinois Nature Preserves Commission Advisors, Consultants and Officers (Committee Chair: Dave Thomas)**

A. Nomination of Advisors

Colleen Callahan IL Dept. of Natural Resources (Statutory Advisor)	Dr. Eric M. Schaubert IL Natural History Survey (Statutory Advisor)	Robert Sill IL State Museum (Statutory Advisor)
Joyce Hofmann IL Endangered Species Protection Board	Tim Pauketat IL State Archaeological Survey	Robert Appleman IL Dept. of Natural Resources Office of Historic Preservation
Richard C. Berg IL State Geological Survey	Dr. Kevin O'Brien IL Sustainable Technology Ctr.	Dr. Mark Ryan Prairie Research Institute

Commissioner Thomas explained past protocol procedures for Statutory Advisors. They are the Director of the Department of Natural Resources, Director of the Illinois Natural History Survey and Director of the Illinois State Museum. The directors of the INHS and ISM then make recommendations to the Governor's office for new candidates to be on the Commission.

Commissioner Thomas announced a change to the list of Nominated Advisors as follows:

- Dr. Thomas Emerson, IL State Archaeological Survey was removed
- Tim Pauketat, IL State Archaeological Survey was added

It was moved by Commissioner Dann, seconded by Commissioner DauBach, that the slate of Advisors be nominated.

B. Nomination of Consultants

Gerald Adelman	Jill Allread	Randy Heidorn
Harry Drucker	Fran Harty	Jill Riddell
Jim Herkert	Kerry Leigh	Joseph Roth
Lauren Rosenthal	Bruce Ross-Shannon	John White
John Schwegman	Michelle Carr	

It was moved by Commissioner DauBach, seconded by Commissioner Dann, that the slate of Consultants be nominated.

C. Nomination of Officers

Current Officers:

Chair: George Covington  
 Vice Chair: Abigail Derby-Lewis  
 Secretary: Pen DauBach

It was moved by Commissioner McClain, seconded by Commissioner Dann, that the slate of Officers be nominated.

233-9) **Coles Co. – Warbler Bottoms North Land and Water Reserve, Registration**

John Griesbaum, on behalf of Grand Prairie Friends, requested to permanently register 187.2 acres as Warbler Bottoms North Land and Water Reserve. Warbler Bottoms North is found in Coles

county along the Embarras River in the Grand Prairie Section of the Grand Prairie Natural Division and will protect a 5200-foot segment of the Embarras River, recognized as a high-quality stream by the Illinois Natural Areas Inventory (INAI #1427) and the associated riparian corridor. Additionally, the state-threatened eastern sand darter (*Ammocrypta pellucidum*), American eel (*Anguilla rostrata*) and Kirtland's snake (*Clonophis kirtlandii*) have been reported from within the river or near the river corridor near the land and water reserve. An astonishing 72 species of fish have been recorded from the Embarras River in this vicinity, including seven fish Species in Greatest Need of Conservation (SGNC) as identified in the Illinois Wildlife Action Plan. It also provides habitat for three other aquatic wildlife SGNC that have been reported nearby: the state-endangered smooth softshell turtle (*Apalone mutica*), and two types of mussels: monkeyface (*Quadrula metanevra*) and the federally and state-endangered snuffbox (*Epioblasma triquetra*). In addition, five bird SGNC occur here, resulting in a total of at least 15 SGNC for this site.

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

The Commission grants approval for the registration of Warbler Bottoms North as an Illinois Land and Water Reserve, as described in the proposal presented under Item 9 of the Agenda for the 233rd Meeting.

(Resolution 2471)

233-10) **Coles Co. – Warbler Landing Land and Water Reserve, Registration**

John Griesbaum, on behalf of Grand Prairie Friends, requested to permanently register 130.66 acres as Warbler Landing Land and Water Reserve. Warbler Landing is in Coles County along the Embarras River in the Grand Prairie Section of the Grand Prairie Natural Division and will protect a 650-foot segment of the Embarras River, recognized as a high-quality stream by the Illinois Natural Areas Inventory (INAI #1427) and the associated riparian corridor. Additionally, the state-threatened eastern sand darter (*Ammocrypta pellucidum*) has been reported from the river near the land and water reserve, and the state-threatened fibrous-rooted sedge (*Carex communis*) occurs on a forested slope of the reserve. An astonishing 72 species of fish have been recorded from the Embarras River in this vicinity, including seven fish Species in Greatest Need of Conservation (SGNC) as identified in the Illinois Wildlife Action Plan. It also provides habitat for three other aquatic wildlife SGNC that have been reported nearby: the state-endangered smooth softshell turtle (*Apalone mutica*), and two types of mussels: monkeyface (*Quadrula metanevra*) and the federally and state-endangered snuffbox (*Epioblasma triquetra*). In addition, five bird SGNC occur here, resulting in a total of at least 15 SGNC for this site.

John Griesbaum acknowledged Grand Prairie Friends as an organization, as terrific stewards of lands, powerful advocates for Natural Areas Conservation, and for doing a great job informing the public of conservation issues.

Sarah Livesay, Grand Prairie Friends Executive Director, thanked everyone for being here today and thanked those that visited their site yesterday, stating it was an honor to host everyone. There is much work left to do and as stewards, we are looking forward to the opportunity. Sarah thanked everyone inside the ORC but especially the INPC for their help with this over 1000-acre property. Sarah also thanked Roger Jansen, Stephen Tillman, John Griesbaum, Morgan Walder, Kelly Neal, Ann Holtrop, Mary Kay Solecki, John Taft, Dave Mott and Dr. Barry Hunt. Without the help,

dedication, and expertise of those named, we would not be able to do what we do. Thank you all so very much for what you do.

Commissioner Ruffner asked what will be done to control deer.

John Griesbaum answered they are working with IRAP (Illinois Recreational Access Program) to allow bow hunting for the duration of the state-wide archery season.

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

The Commission grants approval for the registration of Warbler Landing as an Illinois Land and Water Reserve, as described in the proposal presented under Item 10 of the Agenda for the 233rd Meeting.

(Resolution 2472)

233-11) **Williamson Co. – Grisley Woods Land and Water Reserve, Registration**

Kevin Sierzega, on behalf of Mr. William Grisley, requested permanent registration of ~107.5 acres of contiguous forest-complex in Lake Creek Township of central Williamson County as the Grisley Woods Land and Water Reserve. The reserve is in the Mount Vernon Hill Country Section of the Southern Till Plain Natural Division of Illinois and includes 82 acres of Grade C dry-mesic upland forest and 25.5 acres of Grade C bottomland forest. Within these natural communities are 6.5 pond acres and 5.75 acres of old field consisting of young tree plantings of native hardwoods. Qualifying features include:

- (1) Proximity to Otey-Grisley Nature Preserve, a Grade B dry-mesic upland forest also owned by Mr. Grisley, located 0.25 miles south.
- (2) Breeding habitat for the State-threatened barn owl (*Tyto alba*) which has been breeding successfully in the reserve since 2013.
- (3) 14 avian Species in Greatest Need of Conservation (SGNC) breed in the reserve; and an additional five avian species: four SGNC and the State-endangered northern harrier (*Circus hudsonius*), over-winter in the reserve or utilize it during migration. One reptile SGNC is abundant in the reserve.
- (4) Permanent protection of >100 acres of forest and breeding presence of 20 avian species susceptible to forest fragmentation.
- (5) The reserve supports the Forest and Invasive Species Campaigns of the Illinois Wildlife Action Plan.

Registration approval is subject to severed mineral rights and a gas pipeline easement. The mineral rights were also severed at the Otey-Grisley Nature Preserve when it was dedicated. Past mining operations impacted a surface area < 2 acres on the reserve, and the mine site was permanently closed, and impacted surface area reclaimed.

Commissioner Derby Lewis asked about the Allowable Uses and Reserved Rights section when it states Grisley Woods offers limited access and landowner permission is required before going on

the property. With so many tracts privately owned, is there guidance the Commission has to allow the public to know who owns the property?

Kevin answered properties are listed on our database and the public can reach out to the Field Rep who can contact the landowner.

Kelly Neal confirmed that is correct at this time.

Commissioner Derby Lewis confirmed that the onus is on the public to contact the Field Rep. if they would like access to the land.

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

The Commission grants approval for the registration of Grisley Woods as an Illinois Land and Water Reserve, as described in the proposal presented under Item 11 of the Agenda for the 233rd Meeting.

(Resolution 2473)

233-12) **Lake Co. – Addition to Gavin Bog & Prairie Nature Preserve, Dedication**

Pati Vitt, on behalf of The Lake County Forest Preserve District (LCFPD), requested preliminary approval for dedication of 283.8 acres, which includes 4.6 acres proposed for dedication as a nature preserve and 279.2 acres proposed for dedication as nature preserve buffer. The proposed additions would increase the size of the existing Gavin Bog and Prairie Nature Preserve (Illinois Natural Areas Inventory Site #0794) from 137 acres to 420.8 acres. The site's existing nature preserve, and this proposed addition are embedded within Grant Woods Forest Preserve, totaling 1,226.2 acres. This site lies within the Morainal Section of the Northeastern Morainal Natural Division and borders the Des Plaines River in the southern part of Lake County. The proposed Gavin Bog and Prairie Nature Preserve and buffer additions contain Grade B shrub bog, Grade C tall shrub bog, Grade B and C forested bog, Grade B and C sedge meadow, Grade B wet prairie, Grade B to C mesic prairie and Grade C mesic oak savanna arrayed along well-defined moisture and elevational gradients. A plant inventory of Grant Woods Forest Preserve conducted by the LCFPD annotated 574 plant species. Of these, 20 are State threatened or endangered plant species. The proposed nature preserve expansion includes additional populations of at least four of these 20 listed species and several regionally-rare plant species. Grant Woods Forest Preserve supports a rich assemblage of birds, providing important breeding habitat for both wetland birds and birds requiring large blocks of forested and grassland habitat. Bird surveys conducted by LCFPD confirm 180 species at Grant Woods. Six species, namely the black-billed cuckoo (*Coccyzus erythrophthalmus*), cerulean warbler (*Dendroica cerulea*), Forster's tern (*Sterna forsteri*), least bittern (*Ixobrychus exilis*), northern harrier (*Circus cyaneus*), and osprey (*Pandion haliaetus*), are listed as State threatened or endangered. Three were previously listed, including Henslow's sparrow (*Ammodramus henslowii*), sandhill crane (*Grus canadensis*), and bald eagle (*Haliaeetus leucocephalus*); and four are identified in the Illinois Wildlife Action Plan (IWAP) as Species in Greatest Need of Conservation (SGNC). 28 mammal species have been reported, with one identified in the IWAP as a SGNC. The LCFPD has documented the presence of 11 species of reptiles and 10 amphibians within Grant Woods Forest Preserve, including one amphibian species known as a SGNC and one State endangered reptile. The LCFPD reserves the right to maintain the existing trail network that includes a regional multi-use

trail and hiking trails and to provide trail amenities as deemed appropriate; and the right to continue an adaptive management strategy that specifically includes the opportunity to conduct overstocked tree-thinning. INPC staff acknowledge the long-term interest and support of the LCFPD Board of Trustees, Executive Director Ty Kovach, and staff including Jim Anderson, Rebecca Hegner, and Ken Klick.

Commissioner DauBach stated concern regarding the regional snowmobile trail. As a nature preserve, no motorized vehicles are allowed. She asked for more detail surrounding the recreational use of snowmobiles. Also asked if this trail was included in the original dedication documents as a reserved right.

Pati Vitt answered she has no idea what the original dedication documents stated as she does not have that documentation. She did state a small portion of the nature preserves are traversed by the snowmobile trail. The regional trail has been in use since the inception of their organization and motorized use has been allowed where it comes through their property and existing network of trails. New trails are not opened.

Commissioner DauBach asked if the trails can be realigned to remove the Nature Preserve sections.

Pati Vitt answered it may be realigned due to ongoing issues with hydrology, but where the trail follows the main right of way and allows the pass-through in the forest preserve, there is not a plan for realignment at this time.

Commissioner Covington stated most of the property is designated as a buffer. He then asked Pati Vitt to show the group where the nature preserve is on a map versus the buffer area.

Pati Vitt, using slides of the property, pointed to the nature preserve and buffer zones, as well as where the snowmobile trails traverse the nature preserve.

Commissioner DauBach asked how frequent the snowmobile use is?

Pati Vitt answered that snowmobiling is not their most popular activity. The trails are used lightly as snow conditions must be heavy. Historic users of the trail have posed no threat. Rangers have reported that snowmobilers are not a nuisance and do not go off trail. They use the trail as a pass-through.

Commissioner Derby Lewis asked what kind of purposeful monitoring will be done to ensure rules are being followed.

Pati Vitt stated the preserves are heavily monitored by ranger police. Pati shared that staff resources are always available, along with a very active volunteer base. She stated they could possibly increase the amount of monitoring.

Commissioner Derby Lewis stated that it may be reasonable to ask for more intentional, purpose driven monitoring given that this is a nature preserve.

Pati Vitt agreed and said she will take that information back to Natural Resources and Executive Leadership and let them know it is a concern.

Commissioner DauBach asked Valerie Njapa and/or Kelly Neal if this would raise concerns in their minds that the Commission is meeting its due diligence and acting with the care it should about this activity essentially being done on buffer land.

Valerie Njapa answered that she has a couple of thoughts regarding this matter:

- 1) The Commission recognizes the use is already occurring and keeps it as reserved right for continued use in conjunction with the dedication.
- 2) Exclude the trail system from the dedication. By doing this, it would eliminate the additional protections that the dedication provides to help protect the resources.

If you believe the landowner has reasonably demonstrated that they can enforce the use of the trail for its intended purposes and can protect the resources, Valerie does not have a lot of concerns. She would ask the Commissioners to allow as part of the dedication or decide to exclude it.

Commissioner DauBach asked if the site could be changed from a nature preserve designation to a land and water designation. Stating land and water reserves allow for motorized vehicles.

Pati Vitt stated that the district would prefer it be designated as buffer due to the added protections.

Commissioner Covington stated there are more flexible policies for motorized vehicles on buffers versus nature preserves.

Commissioner Thomas asked if the original dedication came before or after the trails. He stated this issue has arisen before and not sure why this boundary was drawn the way it was.

Pati Vitt stated the boundary and where the current trail is located is due primarily to hydrology. This is an existing trail for hiking and biking and maintained based on the hydrology at the site.

Commissioner Dann stated a precedent was set by the Commission by approving the Rollins Savanna Nature Preserve. Yes, there was a lot of controversy, but the commission did approve the site as a nature preserve.

Commissioner DauBach stated she initiated the controversy regarding the Rollins Savanna site and in reviewing the minutes from that meeting, the Commission agreed that by approving the site, it “would not be seen as setting a precedent for allowing snowmobile trails in current or future nature preserves.” Commissioner DauBach explained she is very concerned about this Commission setting a precedent which she believes is dangerous to the Commission and the system of lands as well as the integrity of the Commission. She then asked the Commission to again consider changing the site to a registered land and water reserve designation as this would accommodate snowmobiling.

Commissioner Thomas stated that yes, the commission did approve the Rollins Savanna site. However, the decision did not come lightly as the LCFPD felt they could better protect critical habitat with the nature preserve designation versus a land and water designation. A roll-call vote

was taken, and with a slim margin vote, the site was approved as a nature preserve. It was determined that protecting critical habitats was more important in this case.

Pati Vitt said they are researching and trying to determine when the trail was put in, when the site was dedicated as a nature preserve, and what the historic use was at that time. When all questions are answered, they will attach that information with the continuing documentation.

Commissioner Covington asked for a motion for preliminary approval.

Commissioner Derby Lewis asked if preliminary approval is given, can we ask the board to follow-up with making purposeful monitoring a condition? If so, how do we request that?

Commissioner DauBach stated that the map of the site does indicate that portions of the snowmobile trail have gone on the original nature preserve. She would like to know if this was done with coordination of the Nature Preserves Commission and would like to request that if it were not done as a reserved right, that it be removed.

Commissioner Thomas asked why the boundaries of the nature preserve can't be redrawn eliminating the snowmobile trail.

Commissioner Derby Lewis stated that would reduce the overall protection capacity. If there is a good history of understanding how it's used, enforcing good use of it, good documentation on history that can be provided, and a condition to continue with more intentionality in the new dedication, Commissioner Derby Lewis would be much more comfortable approving it.

Commissioner Covington reminded the Commission they are only voting on preliminary approval at this time. He suggested that when it comes back for final approval in January, that many of the concerns mentioned be addressed at that time.

Pati Vitt stated that at the next meeting they will provide historic documentation of the trail and when it went in to the best of their ability to ascertain it, and they will ultimately address a monitoring plan to address the commission's concerns.

Commissioner Dann suggested going back to the LCFPD and ask them to modify their petition to address the concerns discussed today.

Kim Roman stated that monitoring can be done by Kelly Neal with the improved management plan.

Commissioner DauBach requested a roll-call vote.

A roll-call vote was taken: Ruffner–yes; Dann–yes; Derby Lewis–yes; Thomas–yes; Covington–yes; DauBach–no; McClain–yes (if issues are addressed at next meeting). With a 6-1 vote, the motion carried that the following resolution be approved.

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

The Commission grants preliminary approval for the dedication of the Addition to Gavin Bog & Prairie as an Illinois Nature Preserve, as described in the proposal presented under Item 12 of the Agenda for the 233<sup>rd</sup> Meeting.

(Resolution 2474)

Break for lunch from 12:10 – 1:00

233-13) **Cook Co. – Harms Woods Nature Preserve, Dedication**

Charles O’Leary, on behalf of The Forest Preserves of Cook County, requested final approval for dedication of 169.2 acres of the 342-acre Harms Woods Forest Preserve as Harms Woods Nature Preserve. The proposed Harms Woods Nature Preserve received preliminary approval for dedication at the Commission’s 232<sup>nd</sup> Meeting in May 2019. The eastern 107.6 acres of the Harms Woods Forest Preserve was dedicated as the Harms Flatwoods Nature Preserve at the Commission’s 225<sup>th</sup> Meeting in January 2017. The proposed Harms Woods Nature Preserve was included on the Illinois Natural Areas Inventory (INAI # 1573) as a Category II site and consists of a mosaic of Grade B and Grade C mesic woodland, Grade C mesic upland forest, floodplain forest, and a small cultural community undergoing woodland restoration. The high-quality ranking for the mesic woodland stems from vegetative sampling conducted in 2017 by staff of the Illinois Natural History Survey. A total of seven State-listed plant species (three endangered and four threatened) have been reported from the proposed Harms Woods Nature Preserve. The proposed Harms Woods Nature Preserve lies at the boundary of the Chicago Lake Plain and Morainal Sections of the Northeastern Morainal Natural Division in the northern part of Cook County. At least 12 archaeological sites are known from the proposed nature preserve. Of these, only one has been professionally excavated. Because the proposed nature preserve includes a portion of the North Branch of the Chicago River, it is likely the site includes additional, intact archaeological resources. Harms Woods supports elements of the Illinois Wildlife Action Plan. The Forest Preserves of Cook County reserves the right to continue adaptive management strategies for the site and to monitor and implement projects designed to maintain or improve surface hydrology. The Forest Preserves further reserves the right to maintain the existing unpaved walking trail and to provide trail modifications and amenities as may be necessary with the approval of the Commission. Protection of Harms Woods as part of the Illinois Nature Preserves System is consistent with the recommendations of the Next Century Conservation Plan and the Natural and Cultural Resources Master Plan for the Forest Preserves of Cook County. INPC staff acknowledges the long-term interest and support of the Forest Preserves of Cook County, especially Toni Preckwinkle and Arnold Randall. Rebecca Collins, Chip O’Leary, and John McCabe of the Forest Preserves and John and Jane Balaban with the North Branch Restoration Project are also acknowledged for their unflinching support of Harms Woods.

Commissioner Dann commented that he has worked there with John and Jane Balaban and not enough praise can be showered on two better people for their devotion and creation of this truly magnificent site.

Charles O’Leary stated this will be their 25<sup>th</sup> nature preserve which is a bit of a landmark.

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

The Commission grants final approval for the dedication of Harms Woods as an Illinois Nature Preserve, as described in the proposal presented under Item 13 of the Agenda for the 233<sup>rd</sup> Meeting.

(Resolution 2475)

233-14) **Lake Co. – Wright Woods Nature Preserve, Dedication**

Pati Vitt, on behalf of The Lake County Forest Preserve District, requested final approval for dedication of 287.0 acres of Captain Daniel Wright Woods Forest Preserve as Wright Woods Nature Preserve. The proposed Wright Woods Nature Preserve received preliminary approval for dedication at the Commission’s 232<sup>nd</sup> Meeting in May 2019. Captain Daniel Wright Woods Forest Preserve (750.2 acres) includes Lloyd’s Woods Nature Preserve (142.1 acres) and Elm Road Woods Nature Preserve (141.5 acres) and is part of a much larger corridor of land (exceeding 4000 acres) extending along the east bank of the Des Plaines River that has been protected by the Lake County Forest Preserve District. The proposed Wright Woods Nature Preserve includes high-quality Grade B mesic upland forest and northern flatwoods that extend south from Lloyd’s Woods Nature Preserve, Grade C dry-mesic forest, Grade C floodplain forest, and a small cultural community being restored to forest. Notably, the 67.5 acres of northern flatwoods located within the proposed nature preserve represent a 44% increase in the amount of this forested community Statewide. Two State-listed plant species have been reported from the proposed Wright Woods Nature Preserve. The proposed Wright Woods Nature Preserve lies within the Morainal Section of the Northeastern Morainal Natural Division and borders the Des Plaines River in the southern part of Lake County. The large block of forest, including the proposed Wright Woods Nature Preserve, assembled along the east bank of the Des Plaines River is critically important to migratory and resident avifauna. Surveys of Captain Daniel Wright Forest Preserve reveal the following wildlife assemblages; 173 bird species, 22 mammal species, eight reptile species, nine amphibian species, and an extensive list of invertebrate species. Protection of the proposed nature preserve supports elements of the Illinois Wildlife Action Plan (“the Plan”). Additionally, the site provides suitable nesting habitat for five bird species, two amphibian species, and three insects that have been identified in the Plan as “Species in Greatest Need of Conservation”. The Lake County Forest Preserve District reserves the right to maintain the existing trail network that includes a regional multi-use trail and hiking trails and to provide trail amenities as deemed appropriate. The District also reserves the right to continue an adaptive management strategy that specifically includes the opportunity to conduct tree-thinning and other management activities consistent with the Southern Des Plaines Woodland Habitat Restoration Project (previously approved by the Commission for other District-owned nature preserves). Those management activities are currently underway in the proposed nature preserve. The proposal includes detailed management plans for each of the natural plant communities, as well as a list of on-going management activities for the site. INPC staff acknowledges the long-term interest and support of the Lake County Forest Preserve District in assembling, protecting, and managing the forests that extend along the Des Plaines River. The Lake County Forest Preserve District Board of Trustees, Executive Director Ty Kovach, and staff (including Jim Anderson, Rebecca Hegner, and Ken Klick) are acknowledged.

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

The Commission grants final approval for the dedication of Wright Woods as an Illinois Nature Preserve, as described in the proposal presented under Item 14 of the Agenda for the 233<sup>rd</sup> Meeting.

(Resolution 2476)

233-15) **Monroe Co. – Milles Fleurs Nature Preserve, Dedication**

Debbie Newman, on behalf of landowner's Penelope and Carl DauBach, requested final approval for dedication of a 12-acre site in southwestern Illinois' Sinkhole Plain as Milles Fleurs Nature Preserve. The site is within the 545-acre Sutterville Sinkhole Illinois Natural Areas Inventory (INAI) site (#1966). The proposed preserve contains eight acres of dry-mesic upland forest, with numerous sinkholes and sinkhole ponds, and four acres of old field in successional restoration. The site contains breeding populations of the state-threatened eastern narrowmouth toad (*Gastrophryne carolinensis*) and the state-threatened black-billed cuckoo (*Coccyzus erythrophthalmus*).

Besides protecting the two listed species, the proposed Milles Fleurs NP harbors breeding populations of Species in Greatest Need of Conservation (SGNC) listed in the Illinois Wildlife Action Plan (IWAP), including wood frog (*Lithobates sylvatica*), pickeral frog (*Lithobates palustris*), Red-shouldered Hawk (*Buteo lineatus*), Yellow-breasted Chat (*Icteria virens*), Kentucky warbler (*Oporonis formosus*), Yellow-billed Cuckoo (*Coccyzus americanus*), Red-headed Woodpecker (*Melanerpes erythrocephalus*), and bobcat (*Lynx rufus*). The site supports several campaigns identified in the IWAP, including the Farmland and Prairies Campaign, the Forests Campaign, the Invasive Species Campaign, and the Land & Water Stewardship Campaign. The site is located within IWAP's Karst Conservation Opportunity Area, and the Southwestern Illinois Wildlife Action Plan partnership.

The proposed Milles Fleurs NP is owned by long-time conservationists, Penelope P. and D. Carl DauBach. The couple has owned the property for 17 years, working to improve the ecological value of the site and to protect the resources, including the listed species using the proposed preserve.

Preliminary approval for dedication was given at the 231<sup>st</sup> meeting of the Illinois Nature Preserves Commission, January 29, 2019.

Commissioner DauBach formally recused herself as she is the landowner.

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

The Commission grants final approval for the dedication of Milles Fleurs as an Illinois Nature Preserve, as described in the proposal presented under Item 15 of the Agenda for the 233<sup>rd</sup> Meeting.

(Resolution 2477)

233-16) **Pope Co. – Round Pond South Addition to Round Pond Nature Preserve, Dedication**

Kevin Sierzega, on behalf of The Illinois Audubon Society (IAS), requested final approval to dedicate 347.44 acres as the Round Pond South Addition to Round Pond Nature Preserve #378 in southern Pope County. Round Pond INAI site #812 (Categories I, II, III) is a 526 acre site containing

Grade B swamp, six state-listed plant species (Cypress knee sedge [*Carex decomposita*], winged sedge [*Carex alata*], Narrow-leaved crabapple [*Malus angustifolia*], storax [*Styrax americana*], swollen sedge [*Carex intumescens*], and narrow-leaved sunflower [*Helianthus angustifolius*]), historical element occurrence records for two state-listed herpetofauna (eastern narrow-mouthed toad [*Gastrophryne carolinensis*] and eastern ribbon snake [*Thamnophis sauritus sauritus*]), a heron rookery, and numerous rare plant and animal species. It is in the Bottomlands Section of the Coastal Plain Natural Division and is a spring fed swamp complex that sits upon a historic lake terrace. Ownership is divided among the IAS, The Nature Conservancy (TNC), and private landowners. TNC dedicated their portion (206 acres) as Round Pond Nature Preserve #378 at the 217th INPC meeting (Resolution 2300) in 2014. The Round Pond South Addition includes 216 acres of INAI site comprised of 44.5 acres of Grade B swamp, 29 acres of Grade C swamp, 7.45 acres of Grade D swamp, 62 acres of Grade C wet floodplain forest, 7.5 acres of wet-mesic floodplain forest, and 65.55 acres of Grade E agriculture and old field that were converted to forest. The remaining 131.5 acres are 100.5 acres of Grade C wet /wet-mesic floodplain forest and 31 acres of agriculture. Agriculture was taken out of production in Fall 2018 and reforestation efforts began in winter 2019 via tree plantings. Dedication of this addition supports the Forest, Wetland, and Invasive Species Campaigns of the Illinois Wildlife Action Plan. Wetland-dependent Species in Greatest Need of Conservation (SGNC) such as prothonotary warbler (*Protonotaria citrea*) are abundant breeders at the site. Management goals are collaborative between IAS, TNC, and INPC and are to maintain and restore the natural structure, hydrology, and characteristics of swamp and floodplain forest natural communities, control exotic plant species, and maintain and enhance populations of state-listed species. The Round Pond South Addition permanently protects most of the INAI site and coupled with surrounding private Wetland Reserve Program (WRP) easements, ensures inundation of wetland habitat can occur across the landscape as it once did historically.

Jim Herkert, Executive Director of The Illinois Audubon Society (IAS) thanked Kevin Sierzega for his work on bringing the proposal together and Sami for working on the preliminary proposal on the fly at the last meeting. Jim also thanked their partners, Illinois Clean Energy Community Foundation who helped to acquire the site and are thrilled to see it approved at a nature preserve. Surveys have been ongoing at the site and new species discoveries have been made. Jim thanked everyone again for their support.

Commissioner McClain commented that we can't give enough recognition to the swamp communities. In looking at the photographs, there are Bald Cypress and Tupelo trees, and not every swamp has those, usually one or the other. It is equally rare, if not more so, than the species found within it.

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

The Commission grants final approval for the dedication of Round Pond South Addition to Round Pond as an Illinois Nature Preserve, as described in the proposal presented under Item 16 of the Agenda for the 233<sup>rd</sup> Meeting.

(Resolution 2478)

233-17) **Pulaski Co.– Cache River Land and Water Reserve, Conservation Plan for Hydraulic Dredging of Buttonland Swamp**

Brian Metzke presented

The Illinois Department of Natural Resources (IDNR) proposes dredging of Buttonland Swamp, a section of the Lower Cache River Land and Water Reserve, to restore deep-water habitat lost to excessive sedimentation. Restoring deep-water areas of the swamp will improve habitat heterogeneity and provide thermal and low-water refugia for aquatic species. Dredging will occur in the Cache River channel and adjacent open water areas. The total area dredged will not exceed 27 acres (0.11km<sup>2</sup>). Take of Bantam Sunfish, (*Lepomis symmetricus*), a state-threatened species may result from dredging activities. As landowner of the Cache River Land and Water Reserve, IDNR is seeking an Incidental Take Authorization (ITA) for the take of Bantam Sunfish, with an estimated impact (take) of 6-27 individuals over the course of three years. This will not jeopardize the continued existence of the species in Illinois. As required when seeking an ITA, IDNR must complete a Conservation Plan, which includes a description of proposed activities, evaluation of impacted species' status, estimate of take and proposed conservation measures. Signatures of all participants in the execution of the Conservation Plan are required, including the Commission as easement holder on the impacted property. IDNR is seeking the Commission's approval (with signature) of the Conservation Plan. Following approval by all participating parties, the Conservation Plan will be subject to public review.

Commissioner Thomas asked if we have historical data on what deep-water areas were in this area.

Brian Metzke stated the historical data is more modern than historical and only dates back to the 1980's.

Commissioner Thomas asked how deep the dredging will be?

Brian Metzke stated the dredging will remove the deposited sediment that has occurred over the past few decades. The dredge period will be from November 1<sup>st</sup> through the end of March to avoid sensitive species breeding and any impact to those species.

Commissioner Derby Lewis stated that dredging is very important, but it is a reactive approach. Are there plans for a more proactive approach for the future to help mitigate the current threat?

Brian Metzke answered that the proactive approach has been to acquire as much property as possible in the Cache basin.

Commissioner Derby Lewis asked if they have considered working with landowners by looking upstream to help prevent this from happening in the future.

Brian Metzke stated there are no formal plans currently in place. The hope is that they can encourage proper stewardship in that area, formally or informally with those sorts of practices.

Commissioner Ruffner shared that SIU has a huge cane restoration project all over that area. Most farmers are getting cane from SIU to put along their riparian zones, which is one way to help mitigate the sedimentation.

Commissioner Derby Lewis asked what existing information is available, and how that can dovetail into existing information.

Ann Holtrop commented that there is an active joint venture partnership in the Cache that involves many agencies, including NRCS, that meet several times a year to discuss different management needs, engagement with the public, U.S. Fish and Wildlife Service, etc. This is one mechanism we can continue to work with to spread a message or educational campaign to engage others.

Commissioner Dann asked if there is still the intention to try and connect the upper Cache with the lower Cache.

Chris Young stated that is a much more complex question that cannot be answered at this meeting and goes beyond the scope of what we are talking about today.

Kelly Neal stated that INPC staff have provided recommendation and review. At the time of registration of the LWR in the late 90's, it was recognized that dredging would be necessary. The only hesitancy that Kelly has with this request is the word "take". This is something the Commission has not approved in the past, and is concerned, if approved with this wording, that it will set precedent for future sites. Kelly did recommend that the Commission approve the signing of the habitat conservation plan. Two disposal sites have been approved. One on IDNR property and one on U.S. Fish and Wildlife Service property.

The Commission agreed to approve the plan based on the wording below:

With the condition that IDNR follow the recommendations in the habitat conservation plan, the Commission approves the habitat conservation plan as well as the Incidental Take Authorization.

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

The Commission approved the Habitat Conservation Plan for the hydraulic dredging project at Cache River Land and Water Reserve, as described in the proposal presented under Item 17 of the Agenda for the 233<sup>rd</sup> Meeting.

(Resolution 2479)

233-18) **Election of INPC Officers**

Commissioner Thomas asked for a motion to approve the election of INPC Officers.

It was moved by Commissioner Dann, seconded by Commissioner Ruffner, that the INPC Officers have been approved.

(Resolution 2480)

233-19) **Election of INPC Advisors and Consultants**

Commissioner Thomas asked for a motion to approve the election of Advisors and Consultants.

It was moved by Commissioner Derby Lewis, seconded by Commission DauBach, that the INPC Advisors and Consultants have been approved.

(Resolution 2481)

233-20) **Review of Closed Meeting Minutes**

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

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

The Commission agrees that the closed meeting minutes from August 2, 2005; May 2, 2006; May 6, 2008; May 5, 2009; May 7, 2013; and September 10, 2013, remain closed, as described in the proposal presented under Item 20 of the Agenda for the 232nd Meeting.

(Resolution 2482)

233-21) **Public Comment Period (3 minutes per person)**

Dave Monk discussed Rail Trails and Greenways (hand-out attached).

233-22) **Other Business**

1. Commissioner Derby Lewis – Tribal Land Acknowledgment

- At the last meeting I asked how we might start a conversation about tribal land acknowledgment- both in terms of an acknowledgment at each meeting location of the Commission, but also as an element we recognize and acknowledge alongside the biodiversity and archeological features of INPC sites (which could be developed based on state regions, versus site by site)
- Since then, there have been some follow up discussions with colleagues at IDNR, including the Illinois State Museum, as well as NGOs such as Jo Daviess Conservation Foundation and indigenous staff dedicated to tribal representation for the renovation of the American Indian Hall at the Field Museum- all of whom have indicated interest in exploring what this could look like for INPC and other state agencies, and who've already done a great deal of thinking about this topic.
- As context, I'd note that in countries such as New Zealand, Australia, Canada, and among Tribal Nations here in the US it is commonplace, even policy, to open events and gatherings by acknowledging the traditional Indigenous inhabitants of that land.

- And there is a growing movement in the US for individuals and organizations to open public events and gatherings with acknowledgment of the traditional native inhabitants of the land.
- The US Department of Arts and Culture states that an “Acknowledgment is a simple, powerful way of showing respect and a step toward correcting the stories and practices that erase Indigenous people’s history and culture and toward inviting and honoring the truth. Imagine this practice widely adopted: imagine cultural venues, classrooms, conference settings, places of worship, sports stadiums, and town halls, [and I’d add state agencies] acknowledging traditional lands. Millions would be exposed—many for the first time—to the names of the traditional Indigenous inhabitants of the lands they are on, inspiring them to ongoing awareness and action.”
- I’ve heard it said that “acknowledging the land is a transformative act that works to undo the intentional erasure of Indigenous peoples from the nationalist colonial narrative.”
- But “Acknowledgment by itself is a small gesture. It becomes meaningful when coupled with authentic relationships and informed action. But this beginning can be an opening to greater public consciousness of native sovereignty and cultural rights, a step toward equitable relationship and reconciliation.”
- The mission of the INPC is about protecting "high quality natural areas and habitats of endangered and threatened species; in perpetuity." It’s about the land and the water. But "land and water are not just merely spaces that people, plants and wildlife occupy; it is a depository of culture, story, history and tradition. And land acknowledgement does not exist in a past tense—it’s not just about historic people or culture." The state of Illinois is still home to over 100,000 tribal members, with vibrant cultures and deep ties to the land.
- When we talk about building bridges to engage communities in stewardship efforts, this is a concrete way to take a first step toward building that relationship with tribal members, many of whom are greatly invested in the continued health of their landscape.
- I believe as an entity focused on land preservation, it’s our civic duty as well as a moral obligation to take up this effort. INPC and Illinois can be a leader in this movement. And there are many other allies already working on this effort, including Vital Lands, which just hosted a great webinar on this last month.
- So, I look forward to opening this discussion next year, and hopefully working alongside INPC staff and Commissioners, IDNR, the State Museum, Vital Lands, tribal members and many others to co-develop a meaningful way to do this for Illinois.

<http://www.lspirg.org/knowtheland/>

<https://usdac.us/nativeland>

<http://landacknowledgements.org/>

<http://convention.myacpa.org/boston2019/inclusion/land-acknowledgement/>

Commissioner Derby Lewis also commented that a presentation on this topic at one of our meetings next year would be extremely informative. Questions that could be asked: What is

land management? What is the goal? Why is it important? And there could be a vote for a continuing resolution to better explore this topic.

Commissioner Covington stated a well drafted resolution is a good idea.

Commissioner DauBach suggested adding this topic to the agenda as a permanent agenda item. She also suggested possibly discussing this further at the Special Meeting the day before the regular meeting in January. Commissioner DauBach feels it is an excellent idea and personally thanked Commissioner Derby Lewis for bringing up this topic at the meeting.

2. Commissioner Covington – Summary of House Bill 2601, Real Property Conservation Rights Act  
House Bill 2601 was recently signed by the Governor amending the Conservation Easement Act. The relevance to INPC is that we are the largest holder of conservation easements in the state, with some 56,000 acres under conservation easement. The bill was originally amended in 1996 and this year a bill was introduced to further amend the act. Amendments include:

- Third parties who can enforce an easement are not necessarily party to an amendment. This is clearly an issue where we have easements next to subdivisions where you have multiple owners within 500 feet.
- Allows units of government who own property to grant conservation easements to other units of government, but also to not for profit land trusts which can now accept easements from forest preserve districts and others.
- Several provisions regarding enforcements passed, including we as a holder of the easement can now sue third parties who violate the easement as opposed to forcing the landowner to sue the third party.
- Protects easements against extinguishment by adverse possession, mergers, etc.

Commissioner Covington stated that as the largest holder of conservation easements in the state, these amendments are to our benefit.

3. Valerie Njapa – Summary of House Bill 3105, Wrongful Tree Cutting Act:

Changes were approved by the Governor's office on July 19, 2019. Amendments include:

- Remediation costs in addition to the cost of 3 times the affected stumpage value, for protected lands which includes nature preserves sites. It allows for all costs associated with a court - approved remediation plan. Remediation costs can include all restoration costs and 3 years of exotic invasive species control.
- Under the new Remedies Section, it states that nothing in this act limits the rights of a party to pursue causes of action under other laws. When violations occur at nature preserves sites where legal enforcement action is warranted, all applicable remedies would be considered, including this one. The Illinois Natural Areas Preservation Act provides strong protection for nature preserves sites, but additional remedy pathways should always be considered.
- Under the current version, this act includes responsibility on the part of the IDNR, to complete the appraisals for stumpage value. It is anticipated that the General Assembly will address this during the veto session and make additional changes to remove the primary responsibility for

completing appraisals from IDNR, while including responsibility on the part of IDNR, to review independently-obtained appraisals and provide advice to the court on the appraisals and remediation plans. The IDNR, at the request of the court, would also assist by providing a list of qualified professional foresters or ecological restoration professionals for the court's purpose of securing independent appraisals.

233-23) **Adjournment**

Commissioner Ruffner motioned to adjourn. It was seconded by Commissioner Thomas and approved. The INPC adjourned at 4:24pm.