

TITLE 17: CONSERVATION
CHAPTER V: NATURE PRESERVES COMMISSION

PART 4000
MANAGEMENT OF NATURE PRESERVES

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AUTHORITY: Implementing and authorized by the Illinois Natural Areas Preservation Act [525 ILCS 30].

SOURCE: Joint rule of the Department of Conservation and the Nature Preserves Commission: Management of Nature Preserves adopted and codified at 7 Ill. Reg. 8793, effective July 15, 1983; transferred to the Nature Preserves Commission by P.A. 83-1072, effective July 1, 1984; recodified from 17 Ill. Adm. Code 4000 at 8 Ill. Reg. 14985; amended at 18 Ill. Reg. 2290, effective January 31, 1994; recodified by changing the agency name from Department of Conservation to the Department of Natural Resources at 21 Ill. Reg. 9573.

SUBPART A: GENERAL PROVISIONS

Section 4000.110 Definitions

As used in these rules, the following terms have the meanings indicated, except where the context requires otherwise:

"Act" is the Illinois Natural Areas Preservation Act [525 ILCS 30].

"Buffer area" is defined in the Illinois Natural Areas Preservation Act.

"Commission" is the Illinois Nature Preserves Commission.

"Custodian" is the person or agency designated by the owner as being responsible for the protection and care of a nature preserve in accordance with this Part and the master plan.

"Department" is the Illinois Department of Natural Resources.

"Instrument of dedication" is the term used in the Illinois Natural Areas Preservation Act.

"Management schedule" consists of two documents in a form prescribed by the Commission: the site management goals and the multi-year management schedule, which are both specific to a nature preserve and describe management activities to be undertaken therein.

"Master plan" is a written plan which, consistent with the Illinois Natural Areas Preservation Act, the instrument of dedication, and this Part, sets forth in detail the preservation, protection, management, development, and use of a specific nature preserve, describing the ownership, location, purpose, character, resources, and conditions of custody and access.

"Nature preserve" or "preserve" is defined in the Illinois Natural Areas Preservation Act.

"Rules" are Rules for Management of Nature Preserves, 17 Ill. Adm. Code 4000.

"Special Use Permit" is a form used to evaluate and approve research and other activities in nature preserves.

Section 4000.120 Applicability of Rules

- a) The provisions of the instrument of dedication for a nature preserve shall supersede subsequently adopted administrative rules, unless such rules are adopted pursuant to a statutory change requiring such modification of the rules.
- b) Unless otherwise specified, the use of the term "nature preserve" in these rules applies to property dedicated as a nature preserve and property dedicated as a buffer area.
- c) Management, development, or uses of a specific preserve, not otherwise allowed under the rules, may be allowed as a provision of the master plan for the site, or may be approved by the Commission under Section 4000.160 of this Part.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.130 Administration and Custody

- a) If not otherwise provided in the instrument of dedication, the owner of a nature preserve shall be or shall designate an individual or agency as the custodian of the nature preserve. The custodian shall administer, manage, and protect the nature preserve in accordance with the instrument of dedication, rules, and the master plan or management schedule. The Commission must be notified by the owner or custodian of any changes in ownership, conditions of custody, access or use.
- b) The custodian may assign or appoint a person or entity to participate in the administration, management, and protection of the preserve, defining their responsibilities and assuring that their activities are consistent with the instrument of dedication, rules, and the master plan or management schedule for the preserve.
- c) The custodian may restrict or deny access to a nature preserve. However, members and agents of the Commission or their designees may enter any nature preserve for the purposes of inspection.
- d) In case of resignation, death, disability, or failure of the custodian of a preserve not owned by the Department to administer and manage the preserve in accordance with the rules and master plan or management schedule, the Commission shall undertake or assign to another body such custodial functions as are necessary for the maintenance and protection of the preserve until the disability of the custodian is removed or a successor is designated.

(Source: Section repealed, new Section added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.150 Master Plans

- a) A master plan must be developed for each nature preserve. The master plan must address the preservation, protection, management, development, and use of the nature preserve, identify the nature preserve owner, the location and description of the nature preserve, and conditions of custody and access. The master plan must also identify the presence and location of high quality natural communities, threatened or endangered species, and other significant or notable natural features occurring on the preserve. Reserved rights, previously approved deviations from the rules approved under Section 4000.160, and other pertinent Commission resolutions should be referenced in the master plan.
- b) A master plan must be compiled following a master plan handbook prescribed by the Commission or a master plan must consist of the proposal for dedication pursuant to 2 Ill. Adm. Code 2150, the instrument of dedication, and a

management schedule, which cumulatively address the requirements of Section 4000.150(a). The management schedule must be approved by the owner of the nature preserve before being submitted to the Commission for approval. The Commission may approve the management schedule in whole or in part, with any exceptions stated in writing.

- c) The management goals portion of the management schedule must address the following: the objective for establishing the preserve, the status of its natural features, the extent of any degradation, the amount of visitor use, any natural lands nearby, any threats to the integrity of the preserve, concluding with the overall management goals. Once the management goals portion of the management schedule has been approved it continues indefinitely unless revised, in contrast to the multi-year schedule which addresses specific management activities during a finite period of time. When the multi-year schedule approaches the end of such time period, a new schedule shall be prepared and, following the landowner's approval, shall be submitted to the Commission.
- d) The owner and/or custodian may elect to prepare the master plan and any revisions thereto. Based upon the availability of staff and resources, the Commission may assist the owner with preparation of the master plan. If the owner and/or custodian do not elect to prepare the master plan, the Commission shall be responsible for arranging its preparation. The master plan and any revisions thereto shall take effect upon approval by the Commission and the owner.

(Source: Section repealed, new Section added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.160 Approval of Specific Management Activities

Management activities otherwise prohibited under the rules or an approved master plan may be approved by the Commission upon written request of the owner. The request must outline the objective of the management activity, and identify the natural communities and any threatened or endangered species, or significant or notable natural features, that may be affected by the proposed activity. If the Commission determines that the proposed activity will enhance the natural features of the preserve, consistent with the proposal for dedication, the Commission shall approve the request. The Commission may, with reasonable notice to the custodian, withdraw approval for management activities previously granted if it is subsequently determined that the activity may have an adverse impact on the nature preserve.

(Source: Section repealed, new Section added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.165 Reports

The custodian shall submit an annual report to the Commission by February 15 of each year. The report shall be in such form as specified by the Commission and will become a part of the record for each nature preserve as described in Section 4000.620. It shall include a record of natural catastrophes, visitor use, volunteer activities, any possible violations of the Act or these rules, changes in adjacent land use, and other influences affecting the natural conditions within the nature preserve.

(Source: Added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.170 Intrusions

There shall be no intrusions of structures, easements, rights of way, or land uses which do not conform with this Part, except for preexisting rights which are not inconsistent with the Act, those specifically allowed as part of an approved master plan or management schedule, or those approved as a deviation from the rules under Section 4000.160.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.180 Emergency Situations

- a) Emergency situations shall be reported immediately to the custodian and to either the Commission or the Department.
- b) Emergency situations that require immediate action to prevent injury to persons or damage to property as determined by the custodian, the Commission, or the Department shall be handled in such manner as to cause minimal damage to natural conditions. Entry of motor vehicles or heavy equipment into a preserve shall be avoided if possible.
- c) Situations that do not threaten immediate injury to persons or immediate serious damage to property will be handled according to rules.

SUBPART B: STRUCTURES AND FACILITIES

Section 4000.210 Boundary Markers and Signs

Nature preserves boundaries shall be made clearly evident by posting boundary markers at intervals of approximately 330 feet if feasible, or as otherwise provided in the master plan. Boundary marker signs shall conform to the style of the signs provided by the Commission and Department. Application may be made to the Commission or Department for boundary marker signs, and shall be granted by the Commission or Department, based upon the availability of resources. If appropriate, fencing or other means may also be employed to indicate the boundaries of a preserve.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.220 Boundary Fences

Boundary fences that are required by Section 2 of the Fence Act [765 ILCS 130/2] or barriers that are needed to protect the preserve may be installed as provided in the master plan or management schedule. Generally they shall not be in a form that will create a detrimental effect on movement of wildlife, air circulation, or other natural conditions.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.240 Access Lanes

Vehicular access lanes shall be installed and maintained within a nature preserve only where essential for patrol, fire control, or other management or research activities and shall be in accordance with the master plan. Such lanes shall be closed to all except service vehicles. They shall provide a single track, and clearing shall not extend more than 7 feet on each side of the center of the lane. Service vehicles shall be used only on such designated access lanes except in case of emergency or as approved by the Commission.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.250 Firebreaks

Where boundary firebreaks are needed, they shall be constructed in a buffer area outside the preserve if possible. Firebreaks within a preserve shall be kept to a minimum and shall be constructed only in accordance with the master plan or management schedule. Temporary firebreaks, made by mowing, raking, or wetting, may be used in conjunction with a prescribed burn, pursuant to Section 4000.435.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.260 Trails

- a) The establishment or rehabilitation of trails in a nature preserve may be proposed in writing to the Commission with the prior approval of the landowner. Trails shall conform to the objectives of the nature preserve as stated in the master plan or management schedule. Trails shall be laid out so as to affect only part of the preserve and shall have minimal impact on natural features. Trails should have no adverse impact on endangered or threatened species or fragile or limited natural communities or features, pursuant to Section 11 of the Illinois Endangered Species Protection Act [520 ILCS 10/11].
- b) The design and routing of any trails other than natural wildlife paths shall be specified in the master plan or management schedule. Trails shall be adequate to provide for permitted use of a preserve and to prevent erosion, trampling of vegetation, and other deterioration, but otherwise shall be kept to a minimum. Use

of paving materials, footbridges, and elevated walks is permissible when provided for in the master plan or management schedule. Synthetic materials, painted or chemically treated wood, or stone or earth materials from outside the preserve may be used in trail construction only as provided in the master plan or management schedule.

- c) Trail construction shall not threaten the continued existence of any population of a native plant or animal species in a nature preserve. No plant species listed as endangered or threatened pursuant to [520 ILCS 10/7] or designated in the master plan as a species of management concern shall be removed, damaged, or cut in trail construction or maintenance.
- d) Any proposal for trail development or rehabilitation should address the suitability of the site for providing handicapped accessibility, considering factors such as the type of natural communities, soils, slope, topography hydrology, size of the nature preserve, and any threatened and endangered species habitat. Providing access to disabled persons is encouraged; however, public access is not a requirement of nature preserve dedication and is secondary to protection of the nature preserve. Consistent with the Americans with Disabilities Act of 1990, P.L. 101-336, modifications to provide handicapped accessible trails are not required if such construction would harm the features for which the preserve was dedicated or where conditions such as steep slopes or saturated soils make it infeasible to meet regulations.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.270 Other Structures and Improvements

- a) Within a dedicated nature preserve, necessary signs, trash receptacles, and minor structures required to house research instruments or hand tools are permitted if provided for in the master plan, management schedule, or in a Special Use Permit. Signs and structures shall be approved by the Commission and the owner.
- b) Within buffer areas, service areas may be established which provide access and parking, management facilities, and/or visitor facilities. Service areas must not impair the natural features of the nature preserve. Such necessary service areas should be included in the instrument of dedication, master plan or management schedule. All other structures and facilities not included in Section 4000.270(a) shall be located in buffer areas or on property outside the dedicated nature preserve.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.280 Buffer Areas

- a) Land may be dedicated as a buffer area if it serves one or more of the following purposes:
 - 1) protects the dedicated nature preserve or registered natural area;
 - 2) provides access to the dedicated nature preserve or registered natural area;
 - 3) serves as a necessary adjunct to the dedicated nature preserve or registered natural area; or
 - 4) possesses potential for restoration of its natural features.
- b) The instrument of dedication, master plan or management schedule for a nature preserve should include provisions concerning management of the buffer area as part of the nature preserve or those uses, other than nature preservation, which do not adversely affect the preserve.

(Source: Added at 18 Ill. Reg. 2290, effective January 31, 1994)

SUBPART C: LAND MANAGEMENT PRACTICES

Section 4000.415 Removal or Introduction of Objects

- a) Except in the circumstances described in subsection (b) and (c) below, there shall be no removal or consumptive use of any material, product, or object from a nature preserve and there shall be no introduction of any material, product, or object to a nature preserve. Prohibited activities include, but are not limited to, grazing by domestic animals; farming; gathering of firewood or any plant material including roots and seeds; mining or quarrying; harvesting of aquatic life, furbearers, or game animals; and dumping of garbage or other materials.
- b) Removal or introduction of objects is allowed pursuant to Sections 4000.210 through 4000.280, Sections 4000.415 through 4000.475, Section 4000.570, and Section 4000.580; and as may be provided in the instrument of dedication, the master plan, management schedule, or pursuant to Section 4000.160.
- c) With prior notification of the Commission:
 - 1) Old interior fences may be removed, giving consideration to leaving posts to mark boundaries between former land uses;
 - 2) Rubbish may be removed; and
 - 3) Structures having no utilitarian, historic, scientific, or habitat value may be demolished or removed.

(Source: Added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.425 Management of Vegetation and Wildlife

- a) Control of plant succession
 - 1) Control of plant succession by deliberate chemical or mechanical manipulation may be undertaken to preserve or restore a presettlement natural community or a threatened or endangered species.
 - 2) Plant succession control measures may be undertaken as provided in the master plan or management schedule. Control measures shall be applied with caution and only to such part of the area as is necessary. Control measures shall be undertaken only with prior observation and study of the area and with scientific evidence of necessity. Control measures shall be followed by observation and reporting of results. The master plan or management schedule may allow employment of prescribed burning, mowing, grazing, cutting of shrubs and trees, girdling of trees, hand-pulling or cutting of invasive herbaceous species, application of herbicide as specified, and other management practices to alter plant succession.
 - 3) Vegetation may be managed as specified in the master plan or management schedule. Allowable practices include but are not limited to the following:
 - A) Plant species not native to the site or vicinity may be eliminated by cutting, girdling, grubbing, or basal or foliar application of specified herbicide;
 - B) The use of prescribed burning in fire-maintained communities so long as the time of burning during the year, the frequency of burning, and the fractional amount of the area that may be burned each year has been reviewed and approved by the Commission pursuant to Section 4000.435;
 - C) Invading native woody species may be eliminated or controlled by cutting, girdling, grubbing, or basal application of specified herbicide.
- b) Control of noxious species
Species of plants and animals which are noxious in fact or law (Illinois Noxious Weed Act, 8 Ill. Adm. Code 220) shall be controlled as provided in the master plan or management schedule.
- c) Control of exotic species

- 1) Control of exotic plants may be undertaken by control of plant succession or other management practices as provided in subsection (a) of this Section.
 - 2) Control of exotic animals may be undertaken as provided in the master plan or management schedule.
- d) Control of natural populations
There shall be no action to increase or reduce populations of native plants or animals or to restrict movement across boundaries of a preserve, except for the purposes of controlling an animal overpopulation that is altering the natural character of the preserve, or to restore degraded natural communities as provided in subsections (a) and (e) of this Section. Any such measures to be applied must be in accordance with the master plan or management schedule.
- e) Management of endangered and threatened species and species of management concern
- 1) Habitat manipulations and protective measures in favor of particular species shall be undertaken only as provided in the master plan, management schedule, or as approved by the Commission after consultation with the Department and the Endangered Species Protection Board. Approval will be based upon evaluation of generally accepted management practices or upon a proposal submitted to the Commission which describes the proposed activities, species' life history and habitat requirements, and characteristics and objectives of the preserve.
 - 2) Control of plant succession in favor of particular species shall be as provided in subsection (a) of this Section.
- f) Introduction of plants and animals
No plants or animals or their reproductive bodies shall be brought into a nature preserve or moved from one place to another within a preserve except for the purposes of restoring degraded natural communities to the extent they are historically known or protecting or enhancing populations of endangered or threatened species. Such introduction shall be carried out as provided in the master plan, management schedule, or pursuant to Section 4000.160.

(Source: Added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.435 Fire Control

- a) Wildfires - All wildfires shall be brought under control as quickly as possible, extinguishing burning materials to prevent potential reignition. Any dead standing trees or fire killed trees which pose a safety hazard may be removed

pursuant to Section 4000.475. After a fire within a nature preserve, there shall be no cleanup, fire hazard reduction, or replanting except with the approval of the Commission. Approval will be based upon health and safety considerations or need for restoration.

- b) Prescribed burning - Prescribed burning may be conducted with the prior approval of the landowner and as part of a master plan or management schedule. The responsible person must also obtain, in advance of conducting prescribed burning, any other required local, county, State, or federal permits. A written plan shall be prepared for each prescribed burn on a standardized form. Burning shall not be done under conditions more hazardous than specified in the prescribed burn plan. Fire crew members shall be adequately trained and capable of fire control. Use of equipment and vehicles shall be specified in the prescribed burn plan; no equipment or vehicles that would cause damage or alteration to the natural features of the preserve shall be used.

(Source: Added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.440 Water Level Control

Natural water levels shall not be altered. Water levels which have been altered by artificial means which include, but are not limited to, installation of drain tiles and creation of ditches, may be changed if identified in the master plan or management schedule as essential for the maintenance and restoration of natural conditions or to protect significant or notable features.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.460 Erosion Control

Natural erosion shall not be controlled. Erosion and soil deposition due to past or present disturbance by humans of natural conditions within or outside of the preserve may be controlled in accordance with the master plan or management schedule.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.465 Scenic and Landscape Management

No measures shall be taken to alter natural growth or features for the purpose of enhancing the beauty, neatness, or amenities of a preserve.

(Source: Added at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.475 Elimination of Safety Hazards

- a) Installation of guard rails, fences, steps, and other devices necessary for visitor safety shall be as provided in the master plan or management schedule. Dead trees or branches that constitute a safety hazard to persons on trails or in other authorized use areas may be felled and removed from trails but shall not be removed from the preserve without notification and approval of the Commission.
- b) Emergency situations are subject to Section 4000.180.

(Source: Added at 18 Ill. Reg. 2290, effective January 31, 1994)

SUBPART D: MANAGEMENT OF VISITORS AND USE

Section 4000.540 Visitation

- a) Nature preserves are open to the public unless closed by the owner. For those preserves that are open to the public, visitor use may occur to the degree that it will not impair natural conditions or threaten the natural features of the preserve. Where trails exist within a preserve, visitors are encouraged to stay on the trails. The owner may require that visitors to the preserve restrict their movement to the trails. Persons wishing to traverse areas of a nature preserve closed to visitation may obtain permission from the custodian or owner.
- b) Public use shall be in accordance with 17 Ill. Adm. Code 1510: Regulations of Public Use of Illinois Dedicated Nature Preserves (April 24, 1981 and subsequent revisions) and additional regulations of the custodian.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.550 Access Control

- a) Ingress and egress shall be allowed only at such locations and under such conditions as may be specified in the master plan, management schedule, or the instrument of dedication.
- b) The owner and custodian have the authority to further limit access to the preserve as may be necessary for protection and proper management of the preserve.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.560 Orientation and Guidance of Visitors

Orientation and guidance of visitors shall be in accordance with the rules, and the master plan or management schedule. Interpretive signs, structures or labels shall conform to Subpart B of this Part - Structures and Facilities.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.570 Permits for Research or Educational Activities

- a) Application may be made to the Commission or Department for permission to conduct research or educational activities in nature preserves, using a Special Use Permit. The permit forms are available upon request from the Commission or Department. Whether the proposed activities would be carried out by an individual or by an organization, a permit is issued to an individual, who is then responsible for other persons or organization members referenced in the permit. To conduct research activities on nature preserves owned by public land managing agencies, a separate permit from the landowner or custodian may be required; in such cases the applicant must first obtain an approved permit from the landowner or custodian before applying to the Commission.
- b) Examples of activities which require an approved permit include, but are not limited to, the following:
 - 1) Removal of any substance in the nature preserve, such as plant or animal material, soil, surface water, groundwater, and archaeological artifacts, in accordance with Section 4000.580;
 - 2) Installation of monitoring equipment or other items; and 3) Nature observation and hiking by groups exceeding 25 persons.
- c) A permit issued by the Commission and the Department is not valid until approved by the custodian or owner, before the permittee commences the approved activities. A permit holder shall report to the custodian or owner before initiating permitted activities and, if so requested, at the beginning and end of each visit.
- d) Each permittee shall, as a condition of the approved permit, submit to the Commission and Department an annual report in such form as may be prescribed by the Commission and Department in the permit. A permit expires at the end of the calendar year in which it was issued. A permit may be extended upon submission of an interim report.
- e) The Special Use Permit shall include:
 - 1) The applicant's name, address, position, professional qualifications, and general field of interest;
 - 2) A description of the proposed activities, including the objective, methods and procedures to be followed, records to be kept, duration of the project, areas to be visited, frequency and length of visits, and detailed description

of disturbances to be made; the species or objects to be taken, number of specimens, method of taking, and disposition of specimens.

- f) Each permit may contain specific provisions and restrictions. A permit may be modified, suspended, or revoked by the Commission and Department for violation of conditions of the permit, this Section, or based upon a determination of the Commission and Department that the activity jeopardizes the preserve.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

Section 4000.580 Collecting on Nature Preserves

- a) Persons wishing to collect scientific specimens for deposition in a permanent institutional collection available to the public or for purposes of an approved research project may do so pursuant to terms of a permit as specified in Section 4000.570. Unless specifically stated, a permit does not allow the collecting of any species designated as endangered or threatened by the Endangered Species Protection Board.
- b) There shall be no collecting of material for classroom or laboratory observation nor study or mass collecting by class groups. Collection of plant or animal material for the purpose of subsequent sale is prohibited. Exceptions to the above may be provided in the instrument of dedication of the nature preserve or the master plan therefor or may be provided by permit in unusual circumstances. Any such exception shall be considered as a deviation from the rules and treated as provided in Section 4000.570.
- c) A person who wishes to collect for scientific purposes any of the fauna protected by the Wildlife Code [520 ILCS 5] or the Fish Code of 1971 [515 ILCS 5] is also required to secure from the Department a scientific collecting permit pursuant to 17 Ill. Adm. Code 520. A Federal Fish and Wildlife Permit from the U.S. Fish and Wildlife Service is also required to collect migratory birds and federally endangered or threatened species.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)

SUBPART E: PLANS AND RECORDS

Section 4000.620 Records

A record shall be kept by the Commission for each nature preserve. Copies may be requested and held by the Department and the custodian. The records shall be open to public inspection at a reasonable time and place. The record shall include the instrument of dedication, any approved master plan or management schedule, and annual reports as provided in Section 4000.165 and all

other pertinent documentary material, studies, reports, obsolete portions of the master plan, and descriptions of significant events.

(Source: Amended at 18 Ill. Reg. 2290, effective January 31, 1994)