

**ILLINOIS NATURE PRESERVES COMMISSION AGENDA
TWO HUNDRED FORTY-SECOND MEETING**

Olney Central College
Banquet Room
305 N. West Street
Olney, Illinois 62450

September 13, 2022, 10:00 a.m.
In-person meeting with WebEx option

*Documentary Material Enclosed

Item 1: Call to Order, Roll Call, and Introduction of Attendees

Item 2:* Adoption of Agenda

Item 3:* Approval of Minutes for the 241st Meeting May 10, 2022

Note: Share Accomplishments Summary of the 241st INPC Meeting

Item 4: Next Meeting Dates and Locations

243	January 24, 2023	Illinois Department of Natural Resources Springfield, IL
244	May 9, 2023	Lost Valley Visitor Center Richmond, IL
245	September 12, 2023	Monroe County Annex Building Waterloo, IL

Item 5:* INPC Staff Report

REPORT
Todd Strole, Executive Director
Illinois Nature Preserves Commission

Item 6:* IDNR Staff Report

REPORT
Ann Marie Holtrop
Division of Natural Heritage

Item 7:* Endangered Species Protection Board Report

REPORT
Dr. Tih-Fen Ting
Endangered Species Protection Board

Item 8:* Friends of Illinois Nature Preserves Report

REPORT

Amy Doll, Director

Friends of Illinois Nature Preserves

Item 9: 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

Current Advisors:

Colleen Callahan IL Dept. of Natural Resources <i>(Statutory Advisor)</i>	Dr. Eric M. Schauber IL Natural History Survey <i>(Statutory Advisor)</i>	Cinnamon Catlin-Legutko IL State Museum <i>(Statutory Advisor)</i>
Dr. Joyce Hofmann IL Endangered Species Protection Board	Dr. Richard C. Berg IL State Geological Survey	Mike Norris IL Dept. of Natural Resources Office of Historic Preservation
Dr. Timothy Pauketat IL State Archaeological Survey	Dr. Kevin O'Brien IL Sustainable Technology Center	Dr. Jeff Stein Prairie Research Institute

B. Nomination of Consultants

Current Consultants:

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

C. Nomination of Officers

Current Officers:

Chair: George Covington

Vice Chair: Dr. Abigail Derby Lewis

Secretary: Dr. Pen DauBach

Item 10:* Jo Daviess Co. – Amendment to the Registration Agreement for Canyon Camp Addition to Apple River Canyon Land and Water Reserve

The Boy Scouts of America (BSA), Blackhawk Area Council, owns the 85-acre Canyon Camp Addition to Apple River Canyon Land and Water Reserve (LWR) in Jo Daviess County. The BSA filed for bankruptcy and is required to sell assets to compensate victims of child sexual abuse. The Blackhawk Area Council has negotiated to sell the LWR to the Jo Daviess Conservation Foundation (JDCF). During the title search, it was discovered that 25 acres of the reserve were donated to BSA in 1936 with a deed restriction stating “in no case shall they sell, mortgage or pledge the said property.” BSA is requesting permission from the INPC to subdivide the LWR so the 25 acres can remain under BSA ownership, and the remaining acres sold to JDCF. However, in the registration agreement it states:

“The Registered Reserve shall remain as one tract whether under individual or multiple ownership and it shall not at any time be divided or subdivided as to ownership.”

The Amendment to the original conservation easement and registration agreement allows for the subdivision of the Canyon Camp Addition to Apple River Canyon Land and Water Reserve. The Resolution provides the express written approval per the amendment language, which states:

“The Registered Reserve shall remain as one tract whether under individual or multiple ownership and it shall not at any time be divided or subdivided as to ownership without the express written approval of Grantees.”

INPC staff recommend approval of the Amendment and the Resolution. (See attached Resolution in large agenda packet)

REPORT

John C. Nelson
Illinois Nature Preserves Commission

ACTION TO BE CONSIDERED

Approval of Amendment and
Approval of Resolution

Jim Johannsen
Jo Daviess Conservation Foundation

Item 11:* Lee and Ogle Cos. – Nachusa Grasslands Land and Water Reserve, Registration

The Nature Conservancy (TNC) seeks registration of approximately 1704.4 acres as the Nachusa Grasslands Land and Water Reserve (NGLWR). The proposed NGLWR, located in the Oregon Section of the Rock River Hill Country Natural Division of Illinois, protects a very large and functionally restored prairie ecosystem that is owned and managed by TNC and its volunteers. The Nachusa Grasslands Nature Preserve and NGLWR encompass approximately 2816.45 acres of restored prairies, oak savannas, woodlands, and wetlands. Together, these lands represent one of the largest prairie landscapes in Illinois. The area proposed for registration is partially within the Nachusa Grasslands Illinois Natural Areas Inventory site (INAI #0685) which encompasses over 5000 acres of natural communities and agricultural lands. This INAI site is recognized for its numerous high-quality relict natural communities, extensive grassland habitat, and suitable habitat for several state-listed plants and animals. A free roaming herd of buffalo is also an integral part of this restored prairie landscape, and the

research-based focus of Nachusa Grasslands is helping other organizations to effectively restore and manage sustainable high-diversity prairie ecosystems.

This registration is intended to legally protect, in perpetuity, land that is eligible for such protection under the Illinois Natural Areas Protection Act. But, perhaps even more importantly, this registration serves to help protect the investments of TNC, funding agencies, donors, and volunteer stewards who have invested so much to make Nachusa Grasslands an iconic site in Illinois and an outstanding example of the power of people to heal and restore an ecosystem that nearly vanished from our state. TNC staff and INPC staff recommend registration of approximately 1704.4 acres as the Nachusa Grasslands Land and Water Reserve (NGLWR). Upon approval, and as of the date of this proposal, the Nachusa Grasslands Land and Water Reserve will be the 5th largest land and water reserve among a total of 201 sites statewide.

REPORT

John C. Nelson
Illinois Nature Preserves Commission

Bill Kleiman
The Nature Conservancy

ACTION TO BE CONSIDERED

Approval for Registration

Item 12:* Will Co. – Addition to Pilcher Park Nature Preserve, Preliminary Dedication

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

REPORT

Kim Roman
Illinois Nature Preserves Commission

ACTION TO BE CONSIDERED

Preliminary Approval for Dedication

Item 13:* Will Co. – Addition to Sand Ridge Savanna Nature Preserve, Preliminary Dedication

Kankakee Sands is a 555-acre preserve owned and managed by the Forest Preserve District of Will County (FPDWC). It abuts both Wilmington Shrub Prairie and Sand Ridge Savanna Nature Preserves, and shares many of the same natural features of these sites. The FPDWC wishes to dedicate in perpetuity approximately 398 acres of Kankakee Sands Preserve as an addition to Sand Ridge Savanna Nature Preserve. The proposed nature preserve addition includes approximately 20 acres of sedge meadow, included as part of the Wilmington Shrub Prairie Illinois Natural Areas Inventory site (INAI #0934), and it also includes year-round habitat for three state-threatened species: ornate box turtle (*Terrepenne ornata*), eryngium stem borer (*Papaipema eryngii*), and tubercled orchid (*Platanthera flava*), and migratory or winter habitat for three state-listed bird species. The proposed 398-acre nature preserve addition, located in the Kankakee Sands Section of the Grand Prairie Natural Division in Illinois, is comprised of many remnant natural communities including sedge meadow, sand prairie, marsh, medium-gradient stream, sand savanna, and former agricultural fields that have been planted to prairie. The proposed nature preserve addition also provides habitat for at least an additional 24 Species of Greatest Conservation Need (SGCN) identified in the Illinois Wildlife Action Plan. The proposed addition also provides continuity of habitat within the Sand Ridge Savanna-Wilmington Shrub Prairie complex and promotes good preserve design within the Illinois Nature Preserves system.

REPORT

Floyd Catchpole
Forest Preserve District of Will County

ACTION TO BE CONSIDERED

Preliminary Approval for Dedication

Kim Roman
Illinois Nature Preserves Commission

Item 14:* LaSalle Co. – Marsh Relicts Nature Preserve, Final Dedication

The Conservation Foundation (TCF) holds a conservation easement on approximately 67 acres of land owned by Alan Marsh, including the 6.4-acre Marsh Relicts Illinois Natural Areas Inventory site (INAI #0678). The site lies in LaSalle County within the Grand Prairie Section of the Grand Prairie Natural Division of Illinois. Preliminary approval for dedication of 12.3 acres as a nature preserve was conferred during the Illinois Nature Preserves Commission's 240th meeting (Resolution 2552). The landowner is now seeking final approval of the dedication of 12.3 acres of this land as an Illinois nature preserve. The proposed nature preserve includes the entire Marsh Relicts INAI site, which is recognized for its unusual composition of flora, and abuts the lower Fox River, also recognized on the Illinois Natural Areas Inventory (INAI site #1444). The proposed Marsh Relicts Nature Preserve is a refugia for Illinois relict plant species including white pine (*Pinus strobus*), Canada yew (*Taxus canadensis*), northern bush honeysuckle (*Diervilla lonicera*), and others along the sandstone cliff and ravine system. The extensive north-facing slope system hosts a diverse assemblage of ferns with at least 14 species documented on site, including the state-endangered long beech fern (*Phegopteris connectilis*). The state-endangered butternut (*Juglans cinerea*) also occurs on site. Dedication of this natural area will legally protect this habitat in perpetuity and add to the permanently protected acreage along the lower Fox River corridor.

REPORT

Kim Roman
Illinois Nature Preserves Commission

ACTION TO BE CONSIDERED

Final Approval for Dedication

Item 15:* Regulation of Concealed Firearms within Dedicated Nature Preserves

INPC administrative rules prohibit the possession of all firearms within any dedicated nature preserve or buffer, except for peace officers or as authorized by the INPC and landowner. See 17 IL Admin. Code 4015.10(g), adopted July 6, 2004. The Illinois Concealed Firearms Carry Act [430 ILCS 66/1 et seq.] was enacted in 2013 and prohibits the possession of concealed firearms within most government buildings and parking areas, except concealed firearms are allowed on the real property, bikeways, or trails in parks regulated by the Illinois Department of Natural Resources. See 430 ILCS 66/65(a)(3).

A federal district court in Chicago has recently held that the section of the Illinois Concealed Firearms Carry Act which prohibits concealed firearms on all property of the Forest Preserves of Cook County (FPCC) is unconstitutional under the Second Amendment as overbroad, in that it applies to all Forest Preserve grounds and not just “sensitive places” such as schools and government buildings. *Solomon vs. Cook County Board of Commissioners*, USDC NDIL 17-CV-6144, Opinion Sept. 13, 2021. (See attached Memorandum Opinion and Order in large agenda packet) As a result of this ruling, the FPCC must pay the prevailing plaintiff all his attorney’s fees and costs. The *Solomon* decision is premised upon a recent line of U.S. Supreme Court decisions which hold that the Second Amendment protects the individual right of private citizens to possess and carry firearms for self-protection in public as well as within the home.

To address the potential impact of the *Solomon* decision upon the INPC rules, the IDNR Office of Legal Counsel has drafted a proposed Resolution for the Commission’s consideration. (See attached Resolution in large agenda packet)

REPORT

Renee Snow, General Counsel
John Hosteny, Legal Counsel
Illinois Department of Natural Resources

ACTION TO BE CONSIDERED

Approval of Resolution

Item 16:* Herbicide Drift Monitoring Report and Recommendations

Prairie Rivers Network compiled a report for the INPC to provide background information, the legislative framework, and a summary of monitoring efforts by different agencies and organizations to document off-target impacts to the State’s natural areas, attributed to particle and/or vapor drift from herbicide application on surrounding agricultural lands. This includes INPC-protected sites and other INAI sites where injuries to trees, other woody plants, and herbaceous plants have been observed and documented. The report evaluates the different monitoring programs (data collection, reporting and tissue sampling protocols), discusses the ecological implications associated with widespread herbicide drift, and offers recommendations for future efforts. There is a specific set of recommendations put forth for consideration by INPC Commissioners.

REPORT

Kim Erndt-Pitcher
Prairie Rivers Network

ACTION TO BE CONSIDERED

Approval for INPC staff to carry the recommendations forward and work with IDNR and other agencies to improve and coordinate efforts

Item 17:* INPC Vegetation Management Guidelines – Proposed Changes to Process, Updating Guidelines at the Staff Level

The Illinois Nature Preserves Commission’s Vegetation Management Guidelines (VMGs) are species specific references on exotic or invasive plant species and the approved methodologies for control for each species in high quality, buffer or disturbed areas at sites within the Nature Preserves system. There are currently guidelines for 40 species. The guidelines are a useful information source for natural area managers both in Illinois and throughout the country. *Only* the methods that have been approved in the VMGs should be applied at nature preserves and land and water reserves. The process for developing or revising each guideline typically involved a time-consuming process of research, expert interviews, guideline composition, review by advisors/consultants/other experts and incorporation of reviewer input - culminating in the presentation of the guideline to Commissioners for their approval at an INPC meeting. From the inception in 1988 to the approval of the 40th guideline in 2007 the project spanned 19 years. These static documents no longer keep pace with the dynamic landscape of growing populations of invasive species; new invaders entering the state; or advancements in information technology, management techniques and formulation of new herbicides. Most information compiled in the guidelines is readily available at your fingertips from a search engine. The ongoing value of INPC’s VMGs is the guidance on controlling invasive species with minimal impact on the high-quality natural communities and the suite of native species. As the guidelines become further outdated, they may limit resource managers from using more effective/efficient techniques that have similar impacts as current methods or are potentially more selective toward a target species resulting in lower impacts. INPC staff need to be able to respond in real time to the needs of our landowners and land managers. Staff proposes a revised process in which any revisions, special requests or new guidelines are:

- reviewed by a group of technical experts who would be chosen based on their knowledge appropriate to the species or methods suggested
- modified by INPC staff to incorporate reviewer input and prepare the new guideline or revision to an existing guideline or one-time approval for requests at specific sites
- posted to INPC’s website with implemented changes reported to Commissioners at the next INPC meeting.

REPORT

Kelly Neal
Illinois Nature Preserves Commission

ACTION TO BE CONSIDERED

Authorization for staff to implement changes to VMGs as outlined in the proposal

Item 18: 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; September 10, 2013; and September 10, 2019.

REPORT

Todd Strole
Illinois Nature Preserves Commission

ACTION TO BE CONSIDERED

Determination if closed minutes
should remain closed

Item 19: Election of INPC Officers

REPORT Dave Thomas Illinois Nature Preserves Commission	ACTION TO BE CONSIDERED Election of Officers
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Item 20: Election of INPC Advisors and Consultants

REPORT Dave Thomas Illinois Nature Preserves Commission	ACTION TO BE CONSIDERED Election of Advisors and Consultants
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Item 21: Public Comment Period (3 minutes per person)

Item 22: Other Business

Items may be discussed, but no final action may occur for items not previously included on the agenda.

Item 23: Adjournment