

ILLINOIS NATURE PRESERVES COMMISSION

Minutes of the 196th Meeting

October 23, 2007

INDEX

<u>AREAS</u>	<u>ITEM</u>
McLean Co. – Funks Grove Land and Water Reserve, Registration.....	8
Vermilion Co. – Larimore’s Salt Fork of the Vermilion River Land and Water Reserve, Registration	9
Cook Co. – Natural Land Institute – George B. Fell Prairie Nature Preserve Addition to Gensburg-Markham Nature Preserve, Dedication.....	10
Lee Co. – Hazelwood Forest Nature Preserve, Dedication	11
McLean Co. – Duncan R. Funk Addition to Stubblefield Woodlots Nature Preserve, Dedication	12
Piatt Co. – Heartland Pathways Prairie Nature Preserve, Dedication.....	13
Cook Co. – Calumet City Prairie and Marsh Nature Preserve, Dedication.....	14
DuPage Co. – West Chicago Prairie Forest Preserve Buffer Addition to Truitt-Hoff Nature Preserve, Dedication	15
Cook Co. – Proposal to Translocate the Regal Fritillary Butterfly (<i>Speyeria idalia</i>) to the Indian Boundary Prairies (Gensburg-Markham Prairie Nature Preserve and Sundrop Prairie Nature Preserve.....	16
Johnson Co. – Introduction of the Alligator Snapping Turtle (<i>Macrochelys temminckii</i>) at Heron Pond-Little Black Slough Nature Preserve	17

COMMISSION AFFAIRS

Adoption of Agenda.....	2
Approval of Minutes of the 195 th Meeting Minutes, August 7, 2007.....	3
Proposed 2008 Meeting Schedule.....	4
INPC Staff Report.....	5
IDNR Staff Report	6
Endangered Species Protection Board Staff Report	7
Vegetation Management Guidelines.....	18
Public Comment Period	19
Other Business	20
Adjournment	21

Illinois Nature Preserves Commission
Minutes of the 196th Meeting
(Subject to approval of Commission at 197th Meeting)

Mt. Hope Community Hall
McLean, Illinois

Tuesday, October 23, 2007

196-1) Call to Order, Roll Call and Introduction of Attendees

At 10:05 a.m., pursuant to the Call to Order of Chair Ross-Shannon, the meeting began.

Deborah Stone read the roll call.

Members present: Harry Drucker, Ronald Flemal, Richard Keating, Mare Payne, Jill Riddell, Lauren Rosenthal, and Bruce Ross-Shannon.

Members absent: Jill Allread and John Schwegman.

Others present: Steven Byers, Bob Edgin, Randy Heidorn, Angella Moorehouse, Kelly Neal, John Nelson, Debbie Reider, Kim Roman, Mary Kay Solecki, Deborah Stone, and Emily Stork, Illinois Nature Preserves Commission (INPC); Jeannie Barnes, Glen Kruse and John Wilker, Office of Resource Conservation (ORC), IDNR; Megan Borrowman, Kathi Davis, Tracy Evans, and Don McFall, Office of Realty and Environmental Planning (OREP), IDNR; Randy Nyboer, Endangered Species Protection Board (ISPB), IDNR; Susan Dees, Illinois Department of Transportation (IDOT); Jerry Paulson, Natural Land Institute (NLI) and INPC Consultant; David Thomas, Illinois Natural History Survey and INPC Consultant; Leslie Berns and Rachel Reklau, Forest Preserve District of DuPage County (FPDDC), representing the West Chicago Prairie Forest Preserve buffer addition to Truitt-Hoff Nature Preserve; Pamela Iyer, David Monk, and Susan Taylor, Heartland Pathways, representing Heartland Pathways Prairie; Linda Bristow and Angela Smith, Sugar Grove Nature Center, representing Funks Grove; Floyd Allsop, City of Monticello; Luke Feeney, Miller, Tracy, Braun, Funk, & Miller, Ltd., representing the City of Monticello; Gretchen Knapp, Friends of Kickapoo Creek; Angelo Capparella, ParkLands Foundation; George Rose, Friends of Sangamon Valley; Janet and Richard Kozlonski.

196-2) Adoption of Agenda

Chair Ross-Shannon stated that the order of presentation may be altered as needed to accommodate the schedule of presenters. It was moved by Rosenthal, seconded by Payne, and carried that the Agenda be adopted as amended.

196-3) Approval of Minutes of the 195th Meeting, August 7, 2007

It was moved by Drucker, seconded by Flemal, and carried that the Minutes of the 195th Meeting, August 7, 2007, be approved.

Chair Ross-Shannon thanked Angela Smith, Sugar Grove Nature Center, for her assistance with the field trip on October 22, 2007.

Chair Ross-Shannon reported that at the 195th Meeting of the INPC, held at the Peggy Notebaert Nature Museum in Chicago, legal protection for six tracts of land totaling 925.81 acres was approved by the Commission. Of these, three areas, totaling 274.1 acres, are owned by private individuals or not-for-profit corporations who donated the value of the protection agreement to the public. The dollar value of the tracts of private land is \$585,000 based on conservative estimates of the fair market value of the land. This private land was permanently preserved without acquisition of the land by the State. Private lands protected without State acquisition at the INPC's 195th Meeting were an addition to Sweet Fern Savanna Land and Water Reserve, Kankakee County; Buck Hill Bottom Land and Water Reserve, Washington and Clinton counties; and the Spring Hill buffer addition to Boone Creek Fen Nature Preserve, McHenry County. Protection of this land came about because the Commission has nine staff in the field working with private landowners. There are now 338 dedicated nature preserves in 82 counties totaling 45,117.901 acres and 144 land and water reserves in 61 counties totaling 40286.404 acres.

196-4) Proposed 2008 Meeting Schedule

February 5, 2008	10:00 a.m.	Northfield Inn and Conference Center, Springfield
May 6, 2008	9:00 a.m.	Location to be determined, Galena
August 5, 2008	10:00 a.m.	Location to be determined, Joliet
October 28, 2008	10:00 a.m.	World Shooting & Recreational Complex, Sparta

Chair Ross-Shannon stated that since the Illinois Primary Election has been changed to February 5, 2008, the Commission may need to change the date of its first meeting in 2008. After some discussion, it was decided to send out alternate dates for that meeting. The rescheduled date will be announced in the near future.

196-5) INPC Staff Report

Randy Heidorn presented the INPC staff report, and it is attached as Exhibit A.

Deborah Stone updated the Commission on the status of the budget. She stated that the final budget for the IDNR will be in place after the Department has an agreement with the Budget Office on its spending plan for the year. The lump sum budget for the INPC is the same as it was for FY07, \$1.378 million. The second year of the Illinois Natural Areas Inventory (INAI) update was funded in this budget at \$2.097 million, which was the request for FY08. The Natural Areas Acquisition Fund (NAAF) capital appropriation request in the introduced budget was \$9.5 million (up from \$6 million). The appropriation in the budget bill that was passed was actually \$15 million. The revenue projections need to be refreshed and come to an agreement with the Budget Office on what the spending can actually be. She stated that it was her opinion that the

\$9.5 million figure is what will be available. If that figure is divided as in the past, a little over \$8 million of that will go for acquisition, \$950,000 will be for stewardship projects, and a little less than a half million will go for defense work. It is hoped that the final determination will be presented at the Commission's 197th Meeting.

Chair Ross-Shannon asked what this means for the anticipated hiring for vacancies within the INPC.

Ms. Stone stated that some of the money from the NAAF capital appropriation has been released for spending. All of the stewardship and defense money and approximately \$4 million of the land acquisition money has been released for spending. At this time, not much hiring is going forward at the IDNR. It is hoped that the funding for hiring will be available quickly. The budget that was passed did include a staff person for the Endangered Species Protection Board, a couple of new biologists positions to fill vacancies, and a number of other positions that were new initiatives relating to special projects to implement the Illinois Wildlife Action Plan (IWAP).

Commissioner Rosenthal asked at what point does the Commission address the issue of funding stewardship for the land already protected by the State versus acquiring more land with no way to provide stewardship.

Ms. Stone stated that the Commission makes its recommendations for the NAAF at its May meeting.

Mr. Heidorn stated that there has been a general increase in the number of dollars going to stewardship mainly because the amount of land acquisition has increased. In terms of building the infrastructure, The Nature Conservancy was able to advance the prescribed burning bill which will address the liability issues associated with implementing prescribed burning.

Chair Ross-Shannon stated that stewardship is an important component, and the Commission will continue to address that issue.

Commissioner Drucker suggested that the defense component should be discussed at the Commission's May, 2008 meeting.

Chair Ross-Shannon stated that each Commissioner can talk with the environmental groups in their respective areas, along with their State Representatives and Senators, to make it known that there is a concern.

The proposed breakdown of the NAAF, along with the use of that fund, was discussed in detail. It was decided to revisit the issue at the next meeting of the Commission.

196-6) IDNR Staff Report

Glen Kruse presented the ORC staff report, and it is attached as Exhibit B.

In addition to what was presented in the ORC staff report, Mr. Kruse stated that Deb Nelson, District Heritage Biologist, has left State service and moved to California. He also stated that Senate Bill 17 which creates the Conservation Stewardship Program (CSP) was signed into law by the Governor on October 1, 2007. This law allows any taxpayer outside of Cook County to enroll five acres or more of relatively undisturbed land into the CSP, thus having their property tax assessment lowered from 33 and a third percent down to five percent of the fair market value. It is hoped that this will encourage people to protect some of that land. It was triggered by the change in the assessment of forest land that would have resulted in a great increase in property taxes for some landowners. He stated that the IDNR is in the process of getting the Administrative Rule prepared. It is hoped that this will give the IDNR a way to identify opportunities to work with additional landowners to improve the habitat on their property.

196-7) Endangered Species Protection Board Staff Report

Randy Nyboer stated that the next meeting of the ESPB is at 10:00 a.m. on November 16, 2007, at the Vermilion County Conservation District offices near Danville. There will be a tour of some of the nature preserves in the area on November 15, 2007.

Mr. Nyboer stated that the Endangered Species Technical Committee has started on the five-year Illinois list review. This is a mandated process under the Endangered Species Protection Act. Species are added, deleted, downgraded, or upgraded. Climate change will probably have an influence on the endangered species list for Illinois, and it is influencing the burn season with the intensity of the fires increasing. It was hoped that a new Executive Director for the ESPB would be greatly involved in the five-year review of the list. He felt that the timing of the new initiative was good.

He stated that the ESPB members greatly appreciate what the INPC has done to push the initiative forward.

Mr. Nyboer stated that each year the Endangered Species Technical Committee comes up with recommendations for projects for species that are listed, to be listed, or reviews information for research potential. The projects are funded through the Wildlife Preservation Fund. The ESPB gets \$25,000 a year to fund this activity. The requests were sent out to contractors for bid in October, 2007. The proposals received will be reviewed in November, 2007.

Mr. Nyboer stated that this will be his last INPC meeting where he represents the ESPB. He will be starting work on the Illinois Natural Areas Inventory (INAI) update in November, 2007. He thanked the Commission for working with him over the last few years.

Chair Ross-Shannon stated that the registration agreements for today's land and water reserve presentations are signed and executed by the landowners as required by administrative rule.

196-8) McLean Co. – Funks Grove Land and Water Reserve, Registration

Tom Lerczak presented a proposal on behalf of the Sugar Grove Foundation to register six tracts totaling 453.36 acres as Funks Grove Land and Water Reserve. Four of the tracts (283 acres) are

within the Funks Grove Natural Area (Illinois Natural Areas Inventory [INAI] #721) and support grade A and B mesic upland and floodplain forest. Large canopy trees include sugar maple (*Acer saccharum*), black walnut, (*Juglans nigra*), white oak (*Quercus alba*), blue ash (*Fraxinus quadrangulata*), and bur oak (*Q. macrocarpa*). The Timber Creek Natural Area meanders through parts of two of the tracts, is near the boundary of two others, and supports a population of the state-threatened slippershell mussel (*Alasmidonta viridis*) plus at least 14 other mussel species. One of the two forested non-INAI tracts functions as a buffer for part of the adjacent proposed land and water reserve, Timber Creek, and a 63-acre portion of the adjacent Funks Grove Natural Area that is owned by the University of Illinois. The other forested non-INAI tract of 90.18 acres, known as Murphy's Grove, is located along Sugar Creek about 1.5 miles to the northwest of the main proposed land and water reserve; this remnant prairie grove is approximately 9 miles upstream from the beginning of the Sugar Creek-Salt Creek Drainage Natural Area (INAI #1521) and 14 miles upstream from the Sandra Miller Bellrose Nature Preserve. The forest and stream communities at this proposed land and water reserve are representative of the Grand Prairie Section of the Grand Prairie Natural Division. Registration of the six tracts that make up this site will help implement the Illinois Wildlife Action Plan (IWAP) through the following priority action campaigns: Forests, Streams, Farmland and Prairies, Invasive Species, and Land and Water Stewardship. Species in Greatest Need of Conservation that will benefit from protection of this site include the spiny softshell turtle (*Apalone spinifera*), smallmouth bass (*Micropterus dolomieu*), and nine species of birds. The Sugar Grove Foundation wishes to ensure the continued protection and proper restoration management of their six tracts by having them permanently registered as a land and water reserve.

Mr. Lerczak stated that some of the allowable uses will be hiking, birding, nature observation and study, scientific research, canoeing, hunting, fishing, photography, picnicking in designated areas, cross-country skiing on trails, horseback riding on trails, bicycling on trails, management-related use of ATVs on the trails, and continued use of the outdoor chapel area on Unit E-1. Casual mushroom collecting by the landowners and their guests will also be allowed, along with tapping sugar maple trees for the production of maple syrup.

Mr. Lerczak acknowledged Linda Bristow, President of the Sugar Grove Foundation, and Angela Smith, Director of the Sugar Grove Nature Center.

It was moved by Riddell, seconded by Keating, and carried that the following resolution be adopted:

The Commission grants approval for the registration of Funks Grove in McLean County as an Illinois Land and Water Reserve, as described in the proposal presented under Item 8 of the Agenda for the 196th Meeting.

(Resolution 1969)

Chair Ross-Shannon thanked Linda Bristow and the Sugar Grove Foundation for registering this property.

Angela Smith stated that there were many people involved in the registration process, and she wanted to thank everyone involved. She stated that the Sugar Grove Foundation was proud to have the designation of a land and water reserve.

196-9) Vermilion Co. – Larimore’s Salt Fork of the Vermilion River Land and Water Reserve, Registration
(Actually presented after Item 13)

Mary Kay Solecki presented a proposal on behalf of Dr. and Mrs. Richard Larimore to permanently register Larimore’s Salt Fork of the Vermilion River Land and Water Reserve. The proposed Larimore’s Salt Fork of the Vermilion River Land and Water Reserve is part of a farm owned by Dr. and Mrs. Larimore. The site is 10 miles southwest of Danville within the Vermilion River Section of the Wabash Border Natural Division. Dr. and Mrs. Larimore wish to register approximately 51.4 acres of their land along the Salt Fork as a land and water reserve. The proposed land and water reserve encompasses approximately 1.7-miles of the Salt Fork, with segments totaling approximately 1.3 miles occurring along one bank of the River and the remaining 0.4 mile-long stretches lying on both banks of the River. The Salt Fork of the Vermilion River in Vermilion County is a biologically significant stream that supports state-listed aquatic animals and has healthy fish, mussel, and macroinvertebrate populations. It is recognized as an outstanding stream by the INAI (#1427). The proposed land and water reserve encompasses a stretch of the River that provides habitat for three state-listed mussel species: purple wartyback, *Cyclonaias tuberculata* (state-threatened), wavy-rayed lampmussel, *Lampsilis fasciola* (state-endangered), and rainbow, *Villosa iris* (state-endangered) and two state-endangered fish: bluebreast darter (*Etheostoma camarum*) and bigeye chub (*Hybopsis amplops*). Protection of Larimore’s Salt Fork of the Vermilion River Land and Water Reserve supports several action steps identified in the IWAP for the Streams Campaign. The proposed land and water reserve also provides habitat for five mussel and six fish species in greatest need of conservation, and it is within the Vermilion River Conservation Opportunity Area as identified in the IWAP.

Ms. Solecki stated that some of the allowable uses will be hunting (primarily deer and turkey) and occasional removal of dead and live wood for firewood. The landowners reserve the right to maintain a wooden bench and observation platform within the proposed land and water reserve. The landowners also reserve the right to create one to four trails within the proposed land and water reserve. The trails would be created only after approval by the INPC.

It was moved by Keating, seconded by Rosenthal, and carried that the following resolution be adopted:

The Commission grants approval for the registration of Larimore's Salt Fork of the Vermilion River in Vermilion County as an Illinois Land and Water Reserve, as described in the proposal presented under Item 9 of the Agenda for the 196th Meeting.

(Resolution 1970)

196-10) Cook Co. – Natural Land Institute – George B. Fell Prairie Nature Preserve Addition to Gensburg-Markham Prairie Nature Preserve, Dedication

(Actually presented after Item 16)

Chair Ross-Shannon stated that he recuses himself from the discussion on this site and turned the meeting over to Vice-Chair Riddell for discussion on this agenda item.

Steven Byers presented a proposal on behalf of the Natural Land Institute and the City of Markham for preliminary approval of the Natural Land Institute – George B. Fell Prairie Nature Preserve addition to Gensburg-Markham Prairie Nature Preserve. The proposed addition is 12.39 acres in size and is located in the Chicago Lake Plain Section of the Northeastern Morainal Natural Division and consists of 91 lots (7.67 acres) and platted, but not built upon, roads (4.72 acres). The 91 lots and platted roads are subject to an agreement between the Natural Land Institute and the City of Markham that provides for exchange of properties and provides that the City of Markham will "... assist and cooperate with the Illinois Nature Preserves Commission, in good faith, to facilitate the dedication of the Markham properties as an Illinois Nature Preserve." The proposed addition is located just south of Gensburg-Markham Prairie Nature Preserve and lies embedded within boundaries for both the INAI site (#400) and the National Registry of Natural Landmarks designated by the U.S. National Park Service. Elements of high-quality mesic prairie and sedge meadow, and grade C mesic sand prairie and wet-mesic prairie occur within the proposed addition. The proposed addition supports a population of the federally-threatened and state-endangered eastern prairie fringed orchid (*Habenaria leucophaea*), state-endangered grass pink orchid (*Calopogon tuberosus*), and state-threatened small sundrops (*Oenothera perennis*). Dedication of this addition is consistent with the recommendations of an approved Master Plan for this site, good preserve design considerations, and elements of the IWAP, specifically action steps to restore and manage high-quality wetland and prairie communities. Dedication of the proposed addition (12.39) acres will increase the size of Gensburg- Markham Prairie Nature Preserve from 125.826 acres to 138.216 acres. To date, there are an additional 31.934 acres that have received preliminary approval for dedication as additions to Gensburg-Markham Prairie. A quote from "*A legacy of natural lands - George B. Fell and the Natural Land Institute*" summarizes the leadership provided by George B. Fell: "The fight to preserve Gensburg-Markham Prairie was to be George's last, and his penultimate preservation effort."

Mr. Byers recognized Jerry Paulson with the Natural Lands Institute (NLI).

Mr. Paulson stated that George Fell had the foresight to acquire additional vacant lots that he intended to use for the specific purpose of trading land so the in-holdings at Gensburg-Markham

Prairie could be acquired. He stated that the NLI is working with the City to clear up back property taxes on the parcels. Once the back tax issue is cleared up and the Cook County Board approves the no bid tax sale, the land trade can be made.

Mr. Paulson stated that he thought it was very fitting that George Fell's role in all of this not be lost to posterity by having his name attached to this addition.

Commissioner Keating asked about the status of the block of land just north of the proposed addition.

Mr. Byers stated that the block of land Commissioner Keating is referring to is still in private ownership.

It was moved by Rosenthal, seconded by Flemal, and carried, with Ross-Shannon abstaining, that the following resolution be adopted:

The Commission grants preliminary approval for the dedication of the Natural Land Institute – George B. Fell Prairie Nature Preserve addition to Gensburg-Markham Prairie Nature Preserve in Cook County, as described in the proposal under Item 10 of the Agenda for the 196th Meeting.

(Resolution 1971)

196-11) Lee Co. – Hazelwood Forest Nature Preserve, Dedication

John Nelson presented a proposal on behalf of Leslie Pratt, granddaughter of Charles Walgreen, for preliminary approval for dedication of 43.7 acres as Hazelwood Forest Nature Preserve. The proposed Hazelwood Forest Nature Preserve is part of the larger Lowell Park natural area which has long been the subject of preservation efforts by the Dixon Park District and the Walgreen family. This site is located in the Oregon Section of the Rock River Country Natural Division. In 1966, at the suggestion of INPC Commissioner Myrtle Walgreen, and after consulting with the Dixon Park District, the INPC passed a resolution which granted preliminary approval or dedication of Lowell Park as an Illinois Nature Preserve. However, over the ensuing years, the site was never formally dedicated. Protection efforts waned until the mid 1990s. At that time, staff of the Dixon Park District, the IDNR, and the INPC renewed interest in preserving the site and initiated formal plant community surveys. The surveys were necessary to nominate Lowell Park for inclusion on the INAI. In 2002, the site was added to the INAI (#1622) as a category I site containing grade B dry-mesic upland forest and grade B mesic upland forest. Protection and restoration of this area supports several action steps for the Forests Campaign and Invasive Species Campaign of the IWAP.

Mr. Nelson stated that the landowner reserves the right to maintain the existing trail system and fence. The landowner would also like to reserve the right to build and maintain a primitive picnic shelter.

It was moved by Keating, seconded by Flemal, and carried that the following resolution be adopted:

The Commission grants preliminary approval for the dedication of Hazelwood Forest in Lee County as an Illinois Nature Preserve, as described in the proposal under Item 11 of the Agenda for the 196th Meeting.

(Resolution 1972)

196-12) McLean Co. – Duncan R. Funk Addition to Stubblefield Woodlots Nature Preserve, Dedication

Tom Lerczak presented a proposal on behalf of Duncan R. Funk for preliminary approval for dedication of a 7.52-acre tract within the Funks Grove Natural Area (INAI #721 as a nature preserve addition to Stubblefield Woodlots Nature Preserve. Stubblefield Woodlots Nature Preserve consists of two parcels (5.22 acres and 6.49 acres) that are separated from each other by approximately 90 feet. The proposed nature preserve addition is adjacent to the 6.49-acre parcel. Except for a modest gravel road crossing the site, this tract is completely forested with grade B mesic upland forest representative of the Grand Prairie Section of the Grand Prairie Natural Division. Large canopy trees include sugar maple (*Acer saccharum*), black walnut, (*Juglans nigra*), white oak (*Quercus alba*), and bur oak (*Q. macrocarpa*). Dedication of the nature preserve addition will directly support the implementation of the IWAP, particularly the Forests Campaign under action item #7: “Restore and manage high-quality examples of all forest, savanna and barrens communities, including all grade A and B Illinois Natural Inventory sites....” Approval of this addition will increase the size of the Stubblefield Woodlots Nature Preserve from 11.7 acres to 19.2 acres, significantly enhancing the ecological viability of this small nature preserve.

It was moved by Riddell, seconded by Rosenthal, and carried that the following resolution be adopted:

The Commission grants preliminary approval for the dedication of the Duncan R. Funk addition to Stubblefield Woodlots Nature Preserve in McLean County, as described in the proposal under Item 12 of the Agenda for the 196th Meeting.

(Resolution 1973)

196-13) Piatt Co. – Heartland Pathways Prairie Nature Preserve, Dedication
(Actually presented after Item 8)

Mary Kay Solecki presented a proposal for preliminary approval for dedication of Heartland Pathways Prairie Nature Preserve. The proposed Heartland Pathways Prairie Nature Preserve is a 52.3-acre former railroad corridor located between Monticello and Cisco in Piatt County that is owned by Heartland Pathways, a private, non-profit organization founded in 1987. Heartland Pathways lies in the Grand Prairie Section of the Grand Prairie Natural Division. Much of the proposed nature preserve is recognized by the INAI as a category II endangered species site

(#1429) that provides habitat for a state-endangered reptile. The proposed nature preserve also contains grade B and C prairie remnants. Protection of the proposed nature preserve supports action steps identified for the Farmland and Prairie Campaign to restore and manage native prairie communities and populations of imperiled and extirpated prairie wildlife. In addition, the proposed nature preserve provides habitat for a state-endangered reptile identified as a species of greatest need in conservation by the IWAP. The proposed nature preserve lies just south of Old Route 47 and is composed of a north tract and a south tract; each tract is 40 feet wide and approximately 5.4 miles long. One tract lies north of and parallel to the former railroad bed and the other tract lies south of and parallel to the former railroad bed. A 20-foot wide strip of land between the two tracts proposed as the nature preserve is excluded from the preserve. This 20-foot wide strip includes the former railroad bed and ballast. It is used as a hiking trail and may eventually be further developed as a pathway and/or converted back to an active railroad line. Rural subdivision development is occurring south of the proposed nature preserve. The City of Monticello and the developers of Appletree Subdivision want to create a road cut through the eastern part of the proposed Heartland Pathway Nature Preserve to provide access from Appletree Subdivision across the pathway to Old Route 47, north of the subdivision. Currently access to Appletree Subdivision is from County Farm Road on the south side of the subdivision. The location of the potential road access within the proposed nature preserve contains suitable habitat for a state-endangered reptile.

Ms. Solecki stated that negotiations between the City of Monticello and the Heartland Pathways Board have been ongoing for several years regarding two different topics. One topic is creating a hiking/biking trail that would allow City residents to use the pathway going to the Appletree Subdivision. The second topic is the proposed road cut. The fact that the proposed nature preserve excludes the 20-foot wide strip down the center line of the Heartland Pathways' property addresses the City of Monticello's concerns regarding its ability to install a bike path or hiking trail in the future. She stated that she notified Floyd Allsop, Superintendent of the City of Monticello, about the proposed nature preserve designation after the landowner approved the proposal. She stated that she wanted to give the City time to present its views. The INPC does have several other nature preserves that are railroad corridors, and she asked that the Commission confer preliminary approval of this site.

Commissioner Riddell asked if the boundaries of the proposed nature preserve include the proposed road cut.

Ms. Solecki stated that the boundaries include the proposed road cut and some additional land further east of that.

Chair Ross-Shannon asked if the utility company has the right to mow the utility easement.

Ms. Solecki stated that the utility company has the right to clear brush and remove shrubbery, but she did not think it had the right to mow.

Luke Feeney, Attorney with Miller, Tracy, Braun, Funk, and Miller, Ltd., stated that his firm represents the City of Monticello, and he wanted to thank the Commission for allowing him to speak at this meeting. He stated that while the City has a few concerns with certain small aspects

of the dedication proposal, the City was not opposed to the proposal in its entirety. The City was not opposed to preservation or protection of endangered species. He stated that the City has registered property as a land and water reserve. It was his position that the City's points of concern for this proposed project were an extremely minute fraction of the whole property. The proposed road cut is approximately 100 feet wide. The City has been negotiating with Heartland Pathways for some time on two separate projects as referenced by Ms. Solecki. The proposed bike path would run from the City of Monticello and cross the Sangamon River to County Farm Road. The negotiations for the bike path have been going on for at least 12, if not 14 years. Unfortunately, the negotiations have been unsuccessful. The negotiations regarding the road cut have been going on for four to five years. He stated that the City is not trying to stop the nature preserve designation, but it is in a difficult position because designation as a nature preserve is one of the highest protections that can be given to property in Illinois. If the preserve goes through as proposed, there will be no road cut as shown. He stated that the City has a concern about the general layout of the preserve. He stated that the City is a bit confused by the concept of a preserve that in total would be 100 feet wide with a 40-foot strip with a 20-foot gap, then another 40-foot strip. He said that to put that into perspective, most high school, college, and major league ball parks are about 400 feet to center field. This would be a preserve that one could stand on either side of and play catch over. Another concern is that 20 feet is being retained through the middle for potential rail traffic. He felt that it was realistic to question the potential rail traffic provision because if a proposed small road cut of 100 feet is going to be so problematic to snake habitat, how could one justify potentially tearing up the middle 20 feet between the two sides for rail traffic. He stated that he would like to note that there is not a duty to consult under the Natural Areas Preservation Act because the proposed road cut is not within the INAI portion and currently not within a preserve. He stated that the City fully recognizes that there may be a duty to consult under the Illinois Endangered Species Act. He stated that a very small fraction of the site would be needed to provide a road for emergency, fire, and rescue access which was the dictating factor for the necessity of the road.

Mr. Feeney stated that the City was not here to oppose the proposed dedication, but he felt that the City does have some legitimate concerns. He also stated that the City was somewhat frustrated because the negotiations for potentially acquiring this access have gone on for some time and it only learned of the proposed dedication approximately two weeks ago. In light of this, the City is questioning the sincerity of some of the negotiations that were going in full force over the summer. At several points the City thought that it had reached agreements only to have them turned down later. The proposed road cut is 1.5 miles from where the snakes have been detected. While the habitat is similar, the proposed road cut is a significant distance from where the snakes have been found.

Chair Ross-Shannon stated that when the Commission gives preliminary approval for dedication, it has determined that the property qualifies as a nature preserve by focusing on the science of the site and that the proposed nature preserve is feasible. He stated that he appreciates the fact that the City is not rushing in to try to stop the nature preserve designation. He stated that if this site is granted preliminary approval, the final approval for dedication would not occur until the Commission's next meeting in January or February, 2008.

Mr. Feeney stated that the City does understand that today's action by the Commission would be for preliminary approval, but he felt it very prudent to raise these issues to the Commission at this point in time. He stated that he was not here to threaten an eminent domain action to acquire that road cut, but the timeline for any negotiations to go forward has been condensed. If any action was initiated, it was his understanding that it would put the Commission's ultimate decision at its next meeting on hold for this particular parcel. He felt it was prudent to raise these issues now so that the Commission was not surprised by them later if that happens. He stated that it is the City's hope that it would not have to seek eminent domain action.

Chair Ross-Shannon asked what the size of the City's standard right-of-way was.

Mr. Feeney stated that it was his belief that the 100 feet requested would be for the road cut and all necessary right-of-way. Originally, the 100 feet was documented as 271. At that point, there was some discussion of a buffer strip on either side with the actual ground necessary for the road cut being approximately 100 feet wide.

Mr. Allsop stated that the typical right-of-way in the City is 60 feet. He stated that the 100 feet requested for the road cut would provide ample opportunity for any utilities that are necessary, along with roadway ditches and buffer.

Chair Ross-Shannon asked why this road cut was important to the City.

Mr. Allsop stated that the road cut was important to the City to provide safety access in the event something happened to the main entrance to the subdivision. There has also been discussion of development west of this subdivision as this is a natural growth area for the community. The City's involvement is based around safety, as well as a desire for a bike path to be used for recreation. The bike path would provide a safer route for the children to cross the Sangamon River. At the present time the only way for the people west of the River to access the community is to use Bridge Street.

Chair Ross-Shannon stated that if this dedication was approved with the road cut, the future development to the west would be blocked to old Route 47.

Mr. Allsop stated that this issue was somewhat of a concern, however, the development the west was only in the discussion phase. The City has only had two weeks to try to prepare for this, and the main focus is the access to the subdivision that is currently underway versus future development that may or may not happen.

Commissioner Riddell asked if there was a reason why the road cut could not be done farther east.

Mr. Feeney stated that the proposed location of the road cut is the most efficient location. Moving the road farther east would involve other private landowners, and it would be more difficult to link a road in that way.

Mr. Allsop stated that another rationale for the proposed road cut location was the Interstate 72 west interchange. This area has been identified as developable for future commercial or industrial growth. The City has been trying to identify where best to provide utilities to the other side of the interchange. The proposed location would be the easiest access for the City to provide water, sewer, and utilities for that future development. If the intersection of the road cut was moved to the east, the utilities would have to be redesigned for the future plans, and the City would have to negotiate with other landowners.

Commissioner Riddell asked Ms. Solecki to explain the differences between the intrusions of a roadway versus a railroad line as far as the impact to the snakes.

Ms. Solecki stated that she had the same concerns so she contacted Dr. Chris Phillips, Illinois Natural History Survey. She asked him if trains were a significant source of mortality for snakes in general and for the type of snake found in the proposed nature preserve. She stated that Dr. Phillips responded that trains are not a significant source of mortality for snakes in general. Snakes do not bask on the tracks, and they can easily cross the tracks.

Ms. Solecki stated that road traffic is different. If there are a lot of cars going back and forth, the snakes cannot escape car traffic as easily. Snakes have a tendency to utilize a road. Old Route 47 is not a heavily traveled road because people use the Interstate in this area. In 2002, there was an endangered snake killed on Old Route 47. Another snake that was being tracked by radio telemetry was found dead on the pathway, and it appeared that the snake had been hit by a car. She stated that it was her opinion that if the road was placed at the proposed location, it would be used by a significant number of cars. She stated that Dr. Phillips advised her that if the road goes through as proposed, there will probably be higher snake mortality.

Commissioner Keating asked if the snakes would use a tunnel or culvert under the proposed road if drift fences were placed to keep the snakes off the road.

She stated that she posed this question to Dr. Phillips. She stated that Dr. Phillips responded that culverts have been tried in a few instances, but they were not very successful because the culverts create habitat that the snakes typically would not go into and utilize. The culverts are dark, damp, and cold.

Commissioner Drucker asked if a bridge would affect the snakes.

She stated that she had not thought about that possibility.

Commissioner Drucker asked if the reason for the road cut was for emergency access for law enforcement, fire, and rescue, would it be possible to have this road limited in its use for emergency purposes only and have it closed to public use.

Mr. Feeney stated that he did not think he or Mr. Allsop could fully speak for how the City Council would stand on that proposal. He said it was certainly something that has been or could be looked at.

Mr. Feeney stated that the construction of a rail line would cause a significant loss of habitat. If that was acceptable, he wanted to know why one small road at the very eastern edge was not also acceptable. He stated that he realizes that it was not the Commission's job to decide these issues, but the City was simply raising its concerns.

Randy Heidorn stated that in all cases the Endangered Species Consultation process plays an important role, both in the construction of a railroad and in the construction of a road cut. Some of these things will be outside of the Commission's control. The construction of the railroad may not ultimately be feasible because of the presence of the state-endangered reptile.

Mr. Heidorn stated that the Commission gave approval for the placement of utilities underneath a land and water reserve at its meeting in August, 2007. The jack and bore method may be one of the technological ways to get the utilities across this property and not have a road cut.

Chair Ross-Shannon stated that the issue of underground utilities was for an existing land and water reserve, and the Commission tries to work with developers and municipalities to the extent possible. He stated that this site qualifies for the designation of a nature preserve, and it is feasible for preliminary dedication. Final approval for dedication of the site would be a little more problematic.

Commissioner Flemal stated that the issue of ever having a rail line at this site should not determine whether or not this site is suitable to offer protection for the state-endangered reptile. He stated that he felt the real issue was where the boundary of this seemingly worthy nature preserve should be, especially at the eastern end. He felt that the Commission could move forward today with the preliminary approval with the boundary that has been proposed.

Chair Ross-Shannon stated that once a site has received preliminary approval, the Commission has the authority to make the final determination of the boundary.

Commissioner Drucker stated that between now and the final dedication request there will be time to revisit the appropriateness of the preserve design and other ways to address this issue.

Chair Ross-Shannon stated that as a practical matter, some of the decisions made by the City will be out of the Commission's purview. If the City moves ahead with the filing of a condemnation suit before the Commission grants final approval and the City makes its case in court, the Commission must abide by the court's ruling. He stated that he hopes that the negotiations will be ongoing.

It was moved by Riddell, seconded by Rosenthal, and carried that the following resolution be adopted:

The Commission grants preliminary approval for the dedication of Heartland Pathways Prairie in Piatt County as an Illinois Nature Preserve, as described in the proposal under Item 13 of the Agenda for the 196th Meeting.

(Resolution 1974)

Chair Ross-Shannon thanked Mr. Allsop and Mr. Feeney for bringing the City's concerns before the Commission.

Lunch break was taken from 12:30 p.m. – 1:05 p.m.

196-14) Cook Co. – Calumet City Prairie and Marsh Nature Preserve, Dedication
(Actually presented after Item 12)

Steven Byers presented a proposal on behalf of the Forest Preserve District of Cook County (FPDCC) for final approval to dedicate Calumet City Prairie and Marsh Nature Preserve. The proposed Calumet City Prairie and Marsh Nature Preserve is 40 acres in size and is located in the Chicago Lake Plain Section of the Northeastern Morainal Natural Division in the corporate limits of Calumet City, Illinois. The dune and swale topography at this site, once a dominant feature of the Chicago Lake Plain Section, includes sand dunes interposed with swales. The site was included on the INAI (#497) for high-quality dry-mesic sand prairie, mesic prairie, wet-mesic prairie, and marsh. These natural communities support four state-listed plant species including grass pink orchid (*Calopogon tuberosus*), marsh St. John's wort (*Hypericum virginicum*), Richardon's rush (*Juncus alpinus*), and marsh speedwell (*Veronica scutellata*). Dedication of Calumet City Prairie and Marsh is consistent with the IWAP, specifically several action steps identified for the Farmland and Prairies Campaign and the Wetlands Campaign. Further, dedication of this site honors the commitment of both the FPDCC and the INPC to collaborate to preserve sites of state-wide ecological significance. The Commission conferred preliminary approval for dedication at the Commission's 195th Meeting in August, 2007 (Resolution #1961).

It was moved by Drucker, seconded by Riddell, and carried that the following resolution be adopted:

The Commission grants final approval for dedication of Calumet City Prairie and Marsh in Cook County as an Illinois Nature Preserve, as described in the proposal presented under Item 14 of the Agenda for the 196th Meeting.

(Resolution 1975)

196-15) DuPage Co. – West Chicago Prairie Forest Preserve Buffer Addition to Truitt-Hoff Nature Preserve, Dedication

Steven Byers presented a proposal on behalf of the Forest Preserve District of DuPage County (FPDDC) for final approval of the West Chicago Prairie Forest Preserve buffer addition to Truitt-Hoff Nature Preserve. The proposed buffer addition is 169.51 acres in size and is located in the Morainal Section of the Northeastern Illinois Morainal Natural Division in West Chicago, Illinois and includes elements of mesic prairie, wet prairie, sedge meadow, and wet-mesic savanna. These natural communities have responded well to more than 20 years of restoration

and management by volunteers and staff of the FPDDC and provides habitat for three state-listed plants: western beard tongue (*Penstemon tubaeiflorus*), little green sedge (*Carex viridula*), and white lady's slipper (*Cypripedium candidum*). The site also has breeding habitat for the state-threatened Blanding's turtle (*Emydoidea blandingi*), and the state-threatened Henslow's sparrow (*Ammodramus henslowii*). Dedication of this nature preserve buffer addition is consistent with the IWAP, specifically several action steps identified for the Farmland and Prairies Campaign and the Wetlands Campaign. The site supports several species identified in the plan as "critical species" for this natural division which includes the silver-bordered fritillary (*Boloria selene*), silvery checkerspot (*Militaea nycteis*), Blanding's turtle, Henslow's sparrow, sandhill crane (*Grus canadensis*), northern flicker (*Colaptes auratus*), and red-headed woodpecker (*Melanerpes erythrocephalus*). Truitt-Hoff Nature Preserve received final approval for dedication at the Commission's 190th Meeting in May, 2006 (Resolution #1880). Dedication of this buffer addition will increase the size of Truitt-Hoff Nature Preserve from 115.974 acres to 285.475 acres. The Commission conferred preliminary approval for dedication at the Commission's 195th Meeting in August, 2007 (Resolution #1962).

Leslie Berns stated that the FPDDC Board of Commissioners is looking forward to becoming partners in conservation.

It was moved by Payne, seconded by Riddell, and carried that the following resolution be adopted:

The Commission grants final approval for dedication of the West Chicago Prairie Forest Preserve buffer addition to Truitt-Hoff Nature Preserve in DuPage County, as described in the proposal presented under Item 15 of the Agenda for the 196th Meeting.

(Resolution 1976)

196-16) Cook Co. – Proposal to Translocate the Regal Fritillary Butterfly (*Speyeria idalia*) to the Indian Boundary Prairies (Gensburg-Markham Prairie Nature Preserve and Sundrop Prairie Nature Preserve
(Actually presented after Item 9)

Dr. Doug Taron, Peggy Notebaert Nature Museum, presented a detailed proposal to translocate the regal fritillary butterfly to the Indian Boundary Prairies. The regal fritillary butterfly (*Speyeria idalia*) is listed as a threatened species in Illinois. Since the 1970s, the species has experienced a precipitous decline east of the Mississippi River and is today absent from many states where it formerly occurred. In Illinois, robust populations can still be found at The Nachusa Grasslands and in the sand prairies southwest of Peoria. A large population still exists on both sides of the Indiana/Illinois state line in the Kankakee Sands region (Newton/Iroquois counties). In the Chicago Metropolitan area, populations were known from the Gensburg-Markham Prairie until the late 1970s and from the dune areas near Braidwood through the late 1980s. Both of these populations have been extirpated. The Chicago Academy of Sciences proposes to reintroduce this species to Gensburg-Markham Prairie Nature Preserve and Sundrop Prairie Nature Preserve. Currently the Kankakee Sands population is the closest geographically to the Indian Boundary Prairies. No genetic studies have been conducted on this population, but

this species is a wide ranging butterfly and it is likely that the Braidwood population had been a stepping stone population between the donor and recipient sites allowing for at least some genetic flow. In September, 2007, 5-10 gravid female *S. idalia* were collected from the donor site approximately five miles northwest of Enos, in Newton County Indiana. Females were transported to the Peggy Notebaert Nature Museum in Chicago in a chilled cooler, then placed on pots of woolly blue violet (*Viola sororia*) covered with muslin sleeves to induce ovopositioning. Larvae were reared to pupation on the potted host plants. Pupae will be transported to the translocation site, and affixed to vegetation in the field where they are to be established. After consultation with several Commissioners, preliminary translocation was planned for September, 2007. Translocation is proposed for both 2007 and 2008. The established population will be monitored at the population and genetic level. All other required permits have already been obtained. This was being presented to the Commission for formal approval of the ongoing and future translocation of the regal fritillary butterfly.

It was moved by Drucker, seconded by Keating, and carried, with Riddell abstaining, that the following resolution be adopted:

The Commission grants approval for the translocation of the regal fritillary butterfly (*Speyeria idallia*) to the Indian Boundary Prairies (Gensburg-Markham Prairie Nature Preserve and Sundrop Prairie Nature Preserve) in Cook County, as described in the proposal presented under Item 16 of the Agenda for the 196th Meeting.

(Resolution 1977)

196-17) Johnson Co. – Introduction of the Alligator Snapping Turtle (*Macrochelys temminckii*) at Heron Pond-Little Black Slough Nature Preserve

Item was deferred until the February, 2008 meeting.

196-18) Vegetation Management Guidelines

Bob Edgin presented a proposal for approval for updated Vegetation Management Guidelines for control of purple loosestrife (*Lythrum salicaria*), exotic buckthorns (*Rhamnus spp.* and *Frangula alnus*), and leafy spurge (*Euphorbia esula*), and newly developed guidelines for musk thistle (*Carduus nutans*) and purple rocket (*Hesperis matronalis*). A synopsis of each proposed guideline was presented to the Commission, along with the recommendation to use the Ez-Ject Lance for woody control in high-quality areas. The Management Guidelines give landowners and managers guidance on how to address a land management issue in a nature preserve or land and water reserve. Once approved by the Commission, they become part of the policy guidance used by staff to review and approve management plans. The guidelines were submitted to INPC Consultants, Advisors, and selected natural area land managers for review. Recommended changes were incorporated into the documents.

Commissioner Rosenthal asked if there was a feature on the website that would allow for comments from those using the guidelines to say what is working and what is not working. That information could be incorporated into the updates.

Mr. Edgin stated that at the present time there was not such a feature, but it would be something to consider. He stated that he has used information from the Volunteer Stewardship Network discussions.

It was moved by Payne, seconded by Riddell, and carried that the following resolution be adopted:

The Commission approves the revised vegetation management guidelines for purple loosestrife, exotic buckthorns, and leafy spurge, newly developed guidelines for musk thistle and purple rocket, and the use of the Ez-Ject Lance for woody control in high-quality areas, as described in the proposal presented under Item 18 of the Agenda for the 196th Meeting.

(Resolution 1978)

196-19) Public Comment Period (3 minutes per person)

Dave Monk stated that he would like to thank the Commission for being involved in the preliminary dedication of Heartland Pathways Prairie. He stated that the bacteria and the micro-organisms in the soil at this site are important to the gene pool. Even though the proposed nature preserve is small, it is a sensitive piece that is valuable for the future. He stated that railroad traffic has increased, and spur lines are now being used. The five miles through the site would help to join Danville, Champaign, and Decatur.

196-20) Other Business

Commissioner Drucker stated that historically one of the consultants to the Commission has been the Executive Director for Illinois Chapter of The Nature Conservancy (TNC). Bruce Boyd resigned his position as Executive Director of TNC. TNC has now hired a new Executive Director, Leslie Spraggins. Ms. Spraggins was formally the TNC Director in Iowa. He recommended that Ms. Spraggins be nominated as a consultant to the Commission.

It was moved by Drucker, seconded by Flemal, and carried that Leslie Spraggins, Executive Director of the Illinois Chapter of The Nature Conservancy, be nominated as a consultant to the Illinois Nature Preserves Commission.

Deborah Stone stated that she stated that she will contact Ms. Spraggins to obtain her official acceptance.

Chair Ross-Shannon stated that six sets of minutes from closed meetings of the Commission were included in the Commissioners' packets. The meeting dates were August 7, 2001, August 6, 2002, August 3, 2004, August 2, 2005, May 2, 2006, and May 1, 2007. These meetings were closed in accordance with the Open Meetings Act to discuss the purchase of real property. Section 2.06 of the Open Meetings Act provides that public bodies, "shall periodically, but no less than semi-annually, meet to review minutes of all closed sessions. At such meetings, a determination shall be made and reported in an open session that: 1. the need for confidentiality

still exists as to all or part of those minutes, or 2. that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.” He asked for a motion to determine whether or not the minutes from each meeting should be kept closed.

It was moved by Flemal, seconded by Rosenthal, and carried that the following resolution be adopted:

In accordance with the Open Meetings Act, the closed session minutes from the August 7, 2001, August 6, 2002, August 3, 2004, August 2, 2005, May 2, 2006, and May 1, 2007, meetings will remain confidential but will be reviewed semi-annually to ascertain the need to be kept confidential.

(Resolution 1979)

196-21) Adjournment

It was moved by Rosenthal, seconded by Payne, and carried that the meeting be adjourned at 2:55 p.m.

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