

Illinois Nature Preserves Commission  
Minutes of the 204<sup>th</sup> Meeting  
(Approved at the 205<sup>th</sup> Meeting)

Illinois Department of Natural Resources  
Lake Level Conference Rooms A, B, and C  
One Natural Resources Way  
Springfield, IL 62702

Tuesday, January 26, 2010

204-1) Call to Order, Roll Call, and Introduction of Attendees

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

Deborah Stone read the roll call.

Members present: Jill Allread, Richard Keating, Mare Payne, Jill Riddell, and Lauren Rosenthal.

Members absent: Harry Drucker, Ron Flemal, Bruce Ross-Shannon, and John Schwegman.

Others present: Steven Byers, Judy Faulkner Dempsey, Bryan Eubanks, Randy Heidorn, Tom Lerczak, Mitchell Lovgren, Angella Moorehouse, Kelly Neal, John Nelson, Debbie Newman, Debbie Reider, Kim Roman, Jenny Skufca, and Mary Kay Solecki, Illinois Nature Preserves Commission (INPC); John Rogner, Assistant Director, Illinois Department of Natural Resources (IDNR); Jeannie Barnes, Ben Dolbeare, John Griesbaum, Jim Herkert, Don McFall, and Jim Renn, Office of Resource Conservation (ORC), IDNR; Kathi Davis, Tracy Evans, Tom Flattery, Tim Schweizer, and Keith Shank, Office of Realty and Environmental Planning, (OREP), IDNR; Mitchell Cohen, IDNR Legal Counsel; Anne Mankowski, Illinois Endangered Species Protection Board (ESPB); Bob Weichert, Illinois Historic Preservation Agency (IHPA); Sue Dees, Illinois Department of Transportation (IDOT); Fran Harty, The Nature Conservancy (TNC); Jim Payne, Grand Prairie Friends; Dr. Brian Anderson, Illinois Natural History Survey and INPC Advisor; Tom Clay, Illinois Audubon Society and INPC Consultant; Dr. Marianne Hahn, representing the proposed addition to Sweet Fern Savanna Land and Water Reserve; Linda Balek, Lisa Haderlein, and Steve Wenzel, Land Conservancy of McHenry County, representing the proposed Yonder Prairie Nature Preserve; Jim Anderson, Lake County Forest Preserve District (LCFPD); and Gail Edgar, W.W. Grainger, Inc., representing the proposed Grainger Woods Nature Preserve.

204-2) Adoption of Agenda

Item 13 will be presented after Item 7. It was moved by Rosenthal, seconded by Allread, and carried that the Agenda be adopted as amended.

204-3) Approval of the 203<sup>rd</sup> Meeting Minutes, September 22, 2009

It was moved by Keating, seconded by Rosenthal, and carried that the Minutes of the 203<sup>rd</sup> Meeting, September 22, 2009, be approved.

Chair Riddell stated that there was a special meeting of the INPC on January 25, 2010, and there three important agenda items that were presented. One item was to look at the Commission's procedures for land and water reserves. Mary Kay Solecki gave that presentation with the input from Don McFall and others within the Department. The presentation focused on ways to standardize the registration of land and water reserves. Jenny Skufca gave a presentation on the possible impacts of the expansion of wind energy developments taking place in Illinois as it related to nature preserves and land and water reserves. She stated that this was something that Commission staff would continue to monitor and cooperate with research to better inform the Commission's decisions relating to this issue. Dr. Brian Anderson gave an excellent presentation on nature preserve buffers and the use of the buffers. Chair Riddell stated that Randy Nyboer initiated that work, and the Commission thanked him for his portion of researching the buffer issue. She stated that the buffer issue was an important one, and it would be something the Commission would need to consider well into the future.

204-4) 2010 Meeting Schedule

May 4, 2010	9:00 a.m.	Henry N. Barkhausen Cache River Wetlands Center, Cypress
September 21, 2010	10:00 a.m.	Burpee Museum of Natural History, Rockford

Chair Riddell asked that suggestions be submitted for the Commission's 2011 meeting schedule.

Chair Riddell reported that at the 203<sup>rd</sup> Meeting of the INPC, held on September 22, 2009, at Illinois Beach Resort and Conference Center, Zion, legal protection for four tracts of land totaling 1,311.3 acres was approved by the Commission. Of these, two areas totaling 1196.98 acres are owned by private individuals or not-for-profit corporations who donated the value of the protection agreement to the public. This private land was permanently preserved without acquisition of the land by the State. The dollar value of the tracts of private land is \$4,814,000 based on conservative estimates of the fair market value of the land. Private lands protected without State acquisition at INPC's 203<sup>rd</sup> Meeting were Halo Hill Tree Farm and Artist Retreat Land and Water Reserve in McHenry County and Chinquapin Bluffs Land and Water Reserve in McLean County. Protection of this land came about because the Commission has nine staff members in the field working with private land owners. There are now 347 dedicated nature preserves in 83 counties, totaling 47,419.718 acres and 156 land and water reserves in 65 counties, totaling 44,278.274 acres.

204-5) INPC Staff Report

Deborah Stone stated that last year the INPC inducted the 500<sup>th</sup> site into the Illinois Nature Preserves System. The 500<sup>th</sup> site was Deer Grove West Woodland and Wetland Nature Preserve, owned by the Forest Preserve District of Cook County (FPDCC). Deer Grove was the first site purchased by the FPDCC primarily due to the push given to the conservation movement at that time by Daniel

Burnham's plan for Chicago and his vision of an emerald necklace of green space around the city. When the 500<sup>th</sup> site was inducted into the System, it was the Burnham centennial year. She stated that this showed the power of ideas and the difference people could make when they were committed to a concept.

Ms. Stone stated that to celebrate this milestone, the Commission, in cooperation with the IDNR and *OutdoorIllinois* magazine, had a photo contest. Photographers around the State took pictures in the nature preserves, and there were many beautiful photographs submitted. She stated that the Commission was grateful that the Environmental Law and Policy Center (ELPC) agreed to host a photo exhibit. This event came about due to private fund raising efforts on behalf of the Commission so the photos could be professionally printed and framed by the staff at the Illinois State Museum. She urged everyone to go to the ELPC's website ([elpc.org](http://elpc.org)) and look under the ELPC Events section for details about the photo exhibit and reception to be held on Thursday, February 25, 2010 from 5:30 p.m. to 7:30 p.m. She stated that it was her hope that everyone would attend the reception.

Ms. Stone thanked Jenny Skufca for her work on putting together the photo contest and efforts to assist the ELPC with putting together the photo exhibit and reception. She stated that Ms. Skufca also worked closely with the staff at the Illinois State Museum. She also thanked all those who made this event happen, bringing awareness to the Commission's programs.

Ms. Stone stated that there was an ongoing effort by the IDNR to revive an old tradition of holding the Conservation Congress. Conservation Congress was held in October, 2009, and it was attended by approximately 150 varied organizations that were IDNR or conservation constituents from around the State. These groups came together to discuss what they thought the priorities for the Department and conservation in the State of Illinois should be with the underlying premise that it was the responsibility of all of those collective organizations to work toward common goals. She stated that the results from the Conservation Congress were available on the IDNR website. She stated that many of the staff members of the Commission were very helpful in that event. The single most critical issue identified at the Conservation Congress was to do what Missouri, New Jersey, Florida, and many other states have done which was to identify an ongoing, dedicated funding source for conservation in the State of Illinois. This was an idea that has been picked up by a coalition of organizations that were organizing under the umbrella called Partners for Parks and Wildlife. This organization was spearheaded by a number of groups, including TNC, Trust for Public Land, Pheasants Forever. She stated that this was an important movement.

Randy Heidorn presented the INPC staff report attached as Exhibit A.

Mr. Heidorn reported on the Asian Carp Rapid Response Project and the Commission's central role in that project. He stated that he spent most of the month of November working on the logistics of this activity, and several other INPC staff were also involved in helping with the logistics. He stated that this event illustrated the Department's capabilities for this type of invasive species response. It was an opportunity for the Commission to step up and assist the Department.

Mr. Heidorn gave an overview of a problem at Flora Prairie Nature Preserve, owned by the Boone County Conservation District. The township road commissioner bulldozed a rocky outcrop which

was along the edge of the road and part of the Nature Preserve. The township road commission felt that the rocky outcrop was in the right-of-way, and it was within his right to bulldoze that. The rocky outcrop had a state-listed species on it. INPC staff had discussions with the local State's Attorney because it was the Commission's belief that this was a fairly blatant case of damage to the Nature Preserve. The Boone County State's Attorney advised that there was no recorded easement per se, and the easement for that road was ambiguous. The State's Attorney advised that there was no way they could go forward with any prosecution in the matter. The damage was done, and there was not a lot the Commission could do about the damage because it was considered to be part of the road right-of-way.

Mr. Heidorn gave an overview of a problem at Stone Bridge Reserve Land and Water Reserve, owned by Roscoe Township. The Natural Land Institute (NLI) also has an easement on that property. The Township allowed an electrical line to be put into the Land and Water Reserve without consulting the Commission. This was an unauthorized activity and an illegal placement of the electric line. The NLI found out about it and notified the Commission. A letter was sent to the Township advising it that this was an unauthorized activity and reminded them of the obligations under their conservation easement for both the NLI and the Land and Water Reserve. The letter also demanded that the Township put together a restoration plan and to make the necessary contacts in the future to prevent this kind of thing from happening again. The deadline for the Township to respond to the Commission was January 31, 2010.

Mr. Heidorn stated that one threat had been resolved. Palatine Prairie Nature Preserve had been listed in the staff report in the past because a private golf firm had placed a structure adjacent to the Nature Preserve with the guy-wires extending into the Nature Preserve. He reported that the guy-wires were no longer in the Nature Preserve, and the area had been restored.

Mr. Heidorn stated that a milestone was reached in terms of the Illinois Prescribed Burning Act. The Illinois Prescribed Burning Act was passed in August, 2007. The administrative rules have been completed and were approved by the Joint Committee on Administrative Rules (JCAR). The administrative rules went into force on November 1, 2009. Those rules provide a method for prescribed burn managers to be certified, standards for prescribed burn plans, and how to conduct prescribed burns. The Act addresses issues related to liability and defines the liability standard as negligence versus the strict negligence as what was interpreted by many people to be the situation prior to this Act. He stated that Commission field staff have submitted their paperwork to become certified prescribed burn managers.

#### 204-6) IDNR Staff Report

Don McFall presented the IDNR staff report attached as Exhibit B.

Mr. McFall gave a brief update on the Illinois Natural Areas Inventory (INAI) update. During the 2009 field season, the update staff generated a total of 67 sites that will be nominated to the INAI. The packets were being put together for that. Commission staff will have a part in evaluating the potential additions to the INAI. He stated that the update was going well.

Mr. McFall stated that one tract totaling 197 acres was acquired using the Natural Areas Acquisition Fund (NAAF) since the last INPC meeting. The site was an addition to the 1,100-acre Copperhead Hollow State Wildlife Area in Jersey County. He stated that Tom Flattery and Connie Waggoner maximized the use of the NAAF to make that acquisition by partnering with the Wild Turkey Federation, the IDNR's Habitat Fund, and the Kinder Morgan Energy Company.

Mr. McFall stated that the Wildlife Preservation Fund was taking applications for projects and the application due date was April 1, 2010. The small grant program was for projects under \$2,000, and there was the larger grant program. He stated that the Wildlife Preservation Fund usually generated approximately \$220,000 a year through donations. He stated that the Wildlife Preservation Fund was a good avenue for getting biological surveys done on nature preserves and land and water reserves. The large fund component could be used to answer questions about the effect of wind generation on nature preserves and land and water reserves.

Chair Riddell asked if any of the proposed 67 new sites to the INAI were stand alone sites.

Mr. McFall stated that by and large they were truly new found sites that the Department was not aware of.

204-7) Endangered Species Protection Board Staff Report

Anne Mankowski presented the ESPB report attached as Exhibit C.

Ms. Mankowski stated that she provided each Commissioner with a check-list of the new endangered and threatened species. The new list became official on October 30, 2009.

Ms. Mankowski stated that Glen Kruse was appointed to the ESPB on December 23, 2009. He replaced Dr. Chris Phillips. Jim Herkert resigned from the ESPB at its November meeting to alleviate any conflict of interest with his new position at the ORC Office Director with the IDNR. She stated that Director Miller, a non-voting member of the ESPB, assigned Assistant Director John Rogner as his designee on the ESPB. Currently the ESPB had several members serving on expired terms, and it currently had two vacancies.

Ms. Mankowski stated that the next meeting of the ESPB would be on February 19, 2010 at 10:00 a.m. at Midewin National Tallgrass Prairie Visitor's Center.

Chair Riddell 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.

204-8) Kankakee Co. B Addition to Sweet Fern Savanna Land and Water Reserve, Registration  
(Actually presented after Item 13)

Bryan Eubanks presented a proposal on behalf of Dr. Marianne Hahn to register an addition to Sweet Fern Savanna Land and Water Reserve. Sweet Fern Savanna Land and Water Reserve, owned by Dr. Marianne Hahn, was originally registered in 2002. Subsequent additions to the Land and Water

Reserve, registered by both Dr. Hahn and The Illinois Chapter of The Nature Conservancy (occurring in 2005, 2006, 2007, and 2008), have increased the size of protected property from 62 acres to 118 acres. This proposal is for the registration of a 3.3-acre tract as an addition to Sweet Fern Savanna Land and Water Reserve, bringing the total acreage up to 121.3 acres. This addition will provide additional habitat for many species of conservation concern, buffer high-quality natural communities, and enable more efficient management of the Land and Water Reserve. Sweet Fern Savanna Land and Water Reserve is recognized on the INAI (#1581) for its high-quality dry-mesic sand savanna and for the habitat it provides for at least 14 state-threatened or endangered plants and the state-threatened regal fritillary butterfly (*Speyeria idalia*) and a reptile. Sweet Fern Savanna lies within the Kankakee Sand Area Section of the Grand Prairie Natural Division of Illinois. According to the IWAP, this site is located in the Kankakee Sands Conservation Opportunity Area and supports many of its conservation goals including protection for numerous species in greatest need of conservation. Management and allowable uses are compatible with the long-term preservation of Sweet Fern Savanna and its notable natural features.

Mr. Eubanks stated that the original proposal inadvertently omitted one state-listed species. Narrow-leaved sundew (*Dorsera intermedia*) was found at the site.

Mr. Eubanks stated that staff would focus on cleaning up the garbage within the 3.3-acre addition. He stated that there were several piles of old bottles and cans which did not appear to contain any toxic material, and the removal should be relatively inexpensive.

Mr. Eubanks stated that the landowner wished to maintain the same allowable uses as the original registration, which were the creation and maintenance of minimally developed foot trails, cross-country skiing, deer hunting, primitive camping, nature observation and study, and the collection of firewood from dead, invasive, and other management trees. The firewood would be for personal use only.

Commissioner Rosenthal asked if there was any chance that the Commission would have any responsibility if a toxic substance was found during the cleanup of the garbage dump on the addition.

Mr. Eubanks stated that garbage found at the site was basically cans and bottles. Though he was not trained in hazardous materials, he did not see anything that would indicate a more serious nature.

Chair Riddell stated that the landowner generally holds the responsibility for that kind of a cleanup.

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

The Commission grants approval for the registration of an addition to Sweet Fern Savanna Land and Water Reserve in Kankakee County as described in the proposal presented under Item 8 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2056)

Dr. Marianne Hahn thanked the Commission for all that it does to protect sites in Illinois. She felt that it was a wonderful, unique plan. She stated that after nine years of intensive botanizing by experts from northeastern Illinois and Illinois State Natural History Survey, she was at the site by herself when she saw a tiny flower that she had never seen there before. She stated that it reminded her of her trips to the Alaskan tundra. She got down on her knees to see the plant, and the little white flower turned out to be attached to the narrow-leaved sundew. She stated that she was very excited to make this discovery. She stated that it was suggested by Kim Roman that sandhill cranes may have brought in the seeds. She thanked Ms. Roman for her assistance in managing the site, and she thanked Mr. Eubanks for his presentation and the help he had given to manage the site.

Chair Riddell thanked Dr. Hahn for her contribution. She stated that this was a wonderful example of a place where a private landowner had made an enormous impact on the conservation of a particular area through diligence, day-to-day observation, moving things forward and cooperating with private and public agencies. She stated that it was a terrific partnership.

204-9) Piatt Co. – Addition to Upper Sangamon River Land and Water Reserve, Registration

John Griesbaum presented a proposal on behalf of the IDNR to register a 151-acre tract as an addition to Upper Sangamon River Land and Water Reserve. In 2003, the IDNR registered in perpetuity the Upper Sangamon River Land and Water Reserve, a 640.27-acre area along the Sangamon River that protects a 2.3-mile segment of the River. The site occurs in the Grand Prairie Section of the Grand Prairie Natural Division. The Upper Sangamon River is recognized by the INAI (#1449) as a biologically significant stream that provides important habitat for a relatively high diversity of mussels including the state-threatened slippershell, *Alasmidonta viridis*. In addition, a state-threatened bird and two state-listed reptiles occur in or near the Land and Water Reserve. The Sangamon River, in the vicinity of the proposed addition, provides habitat for two fish and three mussel species which are species in greatest need of conservation, as identified in the IWAP and supports several action steps identified for the Streams Campaign. The proposed addition protects a 1.2 mile segment of the corridor that lies north of the Sangamon River. The proposed addition also conserves floodplain forest, upland forest and a small former crop field. The Land and Water Reserve adjoins Allerton Park, an extensive park that preserves nearly 1,000 acres of forest and is recognized by the INAI (#1043). The Land and Water Reserve and Allerton Park together comprise one of the largest remaining forests in central Illinois. Conserving the proposed addition to the Land and Water Reserve in its natural condition contributes to the high natural quality of the River by reducing runoff and sediments entering the river, stabilizing the stream banks, and providing good fish habitat. The Upper Sangamon River Land and Water Reserve, together with the proposed addition, is one of 13 protected natural areas along the Sangamon River corridor that collectively preserve more than 11.5 miles of the Sangamon River and over 4,410 acres of forest and other natural land along the Sangamon River corridor in Piatt and Champaign counties.

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

The Commission grants approval for the registration of an addition to Upper Sangamon River Land and Water Reserve in Piatt County as described in the proposal presented under Item 9 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2057)

Commissioner Keating stated that in the late 1960s or early 1970s he took a tour of Allerton Park with other botanists. At that time they were told that it did not matter if they picked something because that place was lost, and they were told that the site could not be saved. He stated that we still have Allerton Park and now have a nice addition to it. He stated that he felt it was a tribute to those who have worked very hard to make these things happen.

Chair Riddell stated that this was also a tribute to the IDNR's continuing commitment to dedicate and register properties that are within its holdings.

Chair Riddell stated that she wanted to also note the participation of two of IDNR's graduate resident interns at today's meeting. There are currently five graduate resident interns working with either IDNR district heritage biologists or INPC field staff, and she stated that this has been a very important program within the IDNR.

204-10) Lake Co. – Fields of Cambridge Sedge Meadow and Prairie Nature Preserve, Dedication

Steven Byers presented a proposal on behalf of the Fields of Cambridge Homeowner's Association for preliminary approval for dedication of Fields of Cambridge Sedge Meadow and Prairie as an Illinois nature preserve. The proposed 112-acre nature preserve, consisting of 36 acres as nature preserve and 76 acres as nature preserve buffer, is located in the Morainal Section of the Northeastern Morainal Natural Division in east-central Lake County. The proposed nature preserve lies within the boundary of the Oak Grove Botanical Area Inventory site (INAI #0654), an unprotected matrix of 401 acres of open space that extends along the headwaters of the Middle Fork of the North Branch of the Chicago River. This site has been recognized by the INAI as a Category II site because of the presence of a relatively large and stable population of a state-endangered and federally listed plant species. This plant species, and 96 other native plant species recorded from this site, are associated with the grade C/D sedge meadow and grade C/D wet-mesic and mesic prairies at the proposed nature preserve. The prairies at this site are ranked first (or highest tier) for conservation in the Chicago Wilderness Biodiversity Recovery Plan, and the wetlands have been included on the Advanced Identification for Lake County in recognition of their high biological and functional value. Protection of this site is consistent with recommendations of the *North Branch of the Chicago River Open Space (Green Infrastructure) Plan* which identified the proposed nature preserve as a high-quality natural area and with elements of the IWAP.

Mr. Byers stated that grants from HSBC, a financial firm, would allow the management of invasive herbaceous species at this site.

Mr. Byers stated that the landowner wished to reserve the right for the US Fish and Wildlife Service (USFWS) to continue to monitor the state-endangered and federally listed plant species. The landowner would also like to reserve the right to monitor the hydrology of the region. If an opportunity presents itself, the landowner would like to reserve the right to provide a regional trail in the buffer area of the proposed nature preserve. The routing and features of the trail would have to

be approved by the Commission.

Mr. Byers stated that there was an 8-acre tract that would appear to be landlocked if the Commission proceeds with final dedication. As of this date, he had not been able to identify who owns that tract of land. He stated that this issue will have to be resolved before the site is brought back to the Commission for final dedication approval. He stated that he would also have to determine if an easement existed for access to that particular tract of land.

Mr. Byers stated that there was also a 20-acre tract that was immediately to the north of this proposed site. He stated that he was also in the process of determining who owned the 20-acre tract. The Homeowner's Association met on January 21, 2010, and they were excited about moving ahead with dedication and would be willing to accept title to the property to the north if the ownership of this parcel could be determined.

Mr. Byers stated that a volleyball court was installed without the approval of the Homeowner's Association, and they were anxious to see the volleyball court removed and the area restored to prairie.

Mr. Byers stated that the buffer would serve to further protect the state-endangered and federally listed plant species that occur within the proposed nature preserve. The buffer would also protect the hydrology. He stated that the buffer also presented an opportunity to restore and enlarge the population of the state-endangered and federally listed plant species. He stated that this may also lead to opportunities with the landowner to the south that would tie into the efforts to protect this landscape. The entire proposed buffer was within the boundary of the INAI site.

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

The Commission grants preliminary approval for dedication of Fields of Cambridge Sedge Meadow and Prairie in Lake County as an Illinois nature preserve, as described in the proposal presented under Item 10 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2058)

Chair Riddell asked that Mr. Byers convey the thanks of the Commission to the USFWS, the US Army Corps of Engineers, and the Fields of Cambridge Homeowner's Association.

204-11) McHenry Co. – Freundschaft Weise Buffer Addition to Boloria Fen and Sedge Meadow Nature Preserve, Dedication

John Nelson presented a proposal on behalf of Robert and Ruth Wohnrade for preliminary approval for dedication of the 1.5-acre Freundschaft Weise buffer addition to Boloria Fen and Sedge Meadow Nature Preserve. Boloria Fen and Sedge Meadow Nature Preserve (INAI #1413) is a 36.4-acre natural area dedicated by the Boone Creek Watershed Alliance in 2005. In 2006, Legacy Homes dedicated an additional 6.4 acres as a buffer addition to Boloria Fen and Sedge Meadow Nature Preserve. If approved, this dedication would increase the amount of currently protected land at this site from 42.8 acres to 44.3 acres. The proposed buffer addition is located along the southern

boundary of the Nature Preserve. The buffer area includes a relict sedge meadow natural community that is contiguous with the high-quality sedge meadow found within Boloria Fen and Sedge Meadow Nature Preserve. The buffer area also includes a portion of an artificial pond and a natural drainageway that intermittently conveys excess surface water away from Boloria Meadows to the south. Boloria Fen and Sedge Meadow Nature Preserve is located in the Morainal Section of the Northeastern Morainal Natural Division. Dedication of the proposed Freundschaft Weise buffer addition will provide long-term legal protection for a high-quality sedge meadow and land suitable as buffer which is contiguous to the existing Nature Preserve. Protection, restoration, and expansion of the Nature Preserve supports action steps identified in the IWAP for the Prairie Campaign, Wetlands Campaign, Forests Campaign, and Invasive Species Campaign. Dedication will also allow for better land management and restoration activities within the natural wetland basin found at Boloria Fen and Sedge Meadow Nature Preserve.

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

The Commission grants preliminary approval for dedication of the Freundschaft Weise buffer addition to Boloria Fen and Sedge Meadow Nature Preserve in McHenry County as described in the proposal presented under Item 11 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2059)

204-12) McHenry Co. B Yonder Prairie Nature Preserve, Dedication

John Nelson presented a proposal on behalf of Land Conservancy of McHenry County for preliminary approval for dedication of approximately 40.3 acres of land to be known as Yonder Prairie Yonder as an Illinois nature preserve. The proposed nature preserve is located along the western boundary of the City of Woodstock. It is part of a larger natural wetland complex covering approximately 260 acres and consisting of a mosaic of prairies, wetlands, and oak savannas. Yonder Prairie has a rich diversity of plant species and habitats that support local populations of wildlife, including a state-endangered reptile. The proposed nature preserve contains a high-quality wet-mesic prairie natural community that is recognized on the INAI (#1568). The dedication of Yonder Prairie as an Illinois nature preserve will help protect a relict natural community and at least one state-listed animal species. Protection and restoration of the proposed Yonder Prairie Nature Preserve supports the IWAP under the Prairie Campaign, Wetlands Campaign, Forests Campaign, and Invasive Species Campaign. It is anticipated that this dedication will also serve as a starting point for protecting other adjacent qualifying lands. If approved, Yonder Prairie will be the Land Conservancy of McHenry County's first dedicated nature preserve.

Mr. Nelson stated that access to this site was provided by a farm lane off Rose Farm Road, but the Land Conservancy of McHenry County was not encouraging public access to the site at this time. The site has been used for scientific study, nature appreciation, and by the volunteers who help with stewardship activities at the site.

Mr. Nelson stated that the Land Conservancy of McHenry County has received \$300,000 to do wetland enhancement as part of an IDOT mitigation for a bridge project within the watershed. The

landowner now has the funds to conduct large-scale restoration at this site. Mr. Nelson stated that one of the most challenging aspects of managing this site and restoring it was the hydrology. He stated that there was an agricultural drainage ditch that runs on the south and west sides of the proposed nature preserve.

Mr. Nelson stated that there was a gas pipeline easement across a portion of Yonder Prairie, but it did not pose any issues related to management or restoration of the site.

Commissioner Allread stated that whenever a special piece of property like this comes before the Commission, there was a real sense of relief that the site was still available for protection. She congratulated the Land Conservancy of McHenry County for allowing this to happen. She stated that the fact that the Land Conservancy of McHenry County was reaching out to children and getting them connected to the land was extraordinary. She felt that it was an increasing challenge to engage children in such a way in an urban area. There has to be another generation that will have the passion to continue the preservation of these sites.

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

The Commission grants preliminary approval for dedication of Yonder Prairie in McHenry County as an Illinois nature preserve, as described in the proposal presented under Item 12 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2060)

Chair Riddell stated that the Commission was delighted to work with a new partner in preservation.

Lisa Haderline thanked the Commission and its staff. She stated that it has been amazing working with everyone. She also thanked the Commission for identifying all of the significant places throughout the State so organizations have an idea the unique representatives of our natural heritage in order to prioritize efforts to protect those sites. She stated that she also wanted to thank Linda Balek. As soon as this site became available through the partnership with state, federal and local resource agencies, Ms. Balek was right on it. Ms. Balek did the necessary research and follow up which allowed the Land Conservancy of McHenry County to acquire the property through a foreclosure sale. Ms. Haderline stated that this was only the second property that the Land Conservancy had purchased. They have preserved over 1,800 acre, but 90% of that had been done through conservation easements. They were able to work with the US Army Corps of Engineers, the Clean Energy Foundation, and Ducks Unlimited to put together the funding to purchase this site. She stated that they hope to work with the Commission in the future.

204-13) Lake Co. – Grainger Woods Nature Preserve, Dedication  
(Actually presented after Item 7)

Steven Byers presented a proposal on behalf of the LCFPD for final dedication of Grainger Woods as an Illinois nature preserve. The proposed 169.4-acre nature preserve lies embedded within the 304.8-acre Grainger Woods Conservation Preserve; both are located in the Morainal Section of the Northeastern Morainal Natural Division. The proposed Grainger Woods Nature Preserve

encompasses slightly more than half of the Grainger Flatwoods INAI site (#0667) and supports grade C dry-mesic upland forest, mesic upland forest, wet-mesic upland forest, northern flatwoods and an old-field community. The wet-mesic upland forest and the northern flatwoods are considered critically imperiled globally and imperiled globally, respectively. Plant inventories have recorded 260 native plant species, including ten state-listed plant species. All of the state-listed plant species have habitat affinities for the “wet” conditions associated with the wet-mesic upland forest and northern flatwoods. Dedication of this site is consistent with recommendations from the “*Biodiversity Recovery Plan for the Chicago Wilderness Region*,” and elements of the IWAP Forests Campaign which calls for ecological connectivity among forests and other habitat patches. Nine bird species, one amphibian, and three insects recorded from Grainger Woods Conservation Preserve have been identified in the IWAP as species in greatest need of conservation. The LCFPD plans to route and construct a bike trail along the southern border of the proposed nature preserve adjacent to Everett Road. The Commission conferred preliminary approval for dedication at its 203<sup>rd</sup> Meeting in September, 2009 (Resolution 2047).

It was moved by Allread, seconded by Payne, and carried that the following resolution be approved:

The Commission grants final approval dedication of Grainger Woods in Lake County as an Illinois nature preserve, as described in the proposal presented under Item 13 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2061)

Gail Edgar thanked Mr. Byers and Mr. Anderson for their efforts to protect this site. Ms. Edgar also thanked the Commission for approving this dedication.

204-14) Lake Co. – Buffer Addition to Lyons Prairie and Woods Nature Preserve, Dedication  
(Actually presented after Item 12)

Steven Byers presented a proposal on behalf of the LCFPD for final dedication of a 124.7-acre buffer addition to Lyons Prairie and Woods Nature Preserve, increasing the size of the Nature Preserve from 147 to 271.7 acres. The site is located within the Morainal Section of the Northeastern Morainal Natural Division in Lake County. Lyons Prairie and Woods Nature Preserve and approximately the western half of the proposed addition lie within the Lyons Woods INAI (#1250). This site was originally identified by the INAI as “notable,” and then added as a Category II site for the presence of four state-listed plant species. One of these plant species has also been recognized as federally threatened. The proposed addition includes three grade C natural plant communities; dry-mesic upland forest, graminoid fen, and wet prairie; an old field community; and a tree plantation. The dry-mesic upland forest that extends from the existing nature preserve into the proposed nature preserve buffer addition was referred to during the original natural areas inventory as either “old second growth” or “mature second growth.” Lyons Prairie and Woods Nature Preserve and the proposed nature preserve buffer addition are located in the Illinois Beach – Chiwaukee Prairie Conservation Opportunity Area (COA) identified in the IWAP. Located atop the Zion City Moraine, this site represents the only protected part of the COA that is not part of the Zion Beach-ridge plain upon which Illinois Beach State Park and Spring Bluff Nature Preserve are located. Protection of this site is a priority for the Lake Michigan Action Plan recently adopted as an amendment to the Chicago

Wilderness Biodiversity Recovery Plan. The Commission conferred preliminary approval for dedication at its 203<sup>rd</sup> Meeting in September, 2009 (Resolution 2048).

Mr. Byers stated that the access to the Nature Preserve was afforded through the proposed buffer addition from a parking lot. There was some infrastructure, including trails and other amenities, within the proposed buffer that were associated with the Nature Preserve.

It was moved by Keating, seconded by Payne, and carried that the following resolution be approved:

The Commission grants final approval for dedication of a buffer addition to Lyons Prairie and Woods Nature Preserve in Lake County as described in the proposal presented under Item 14 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2062)

Chair Riddell asked that Mr. Byers convey the thanks of the Commission for protecting this area to the LCFPD.

A lunch break was taken from 12:00 p.m. – 12:45 p.m.

204-15) Mason Co. – Tomlin Timber Nature Preserve, Access Easement Request

Tom Lerczak stated that Gregory Johnson and Reta Power (the Evelyn L. Daniel Estate) were seeking approval of a 30-foot permanent non-exclusive easement across the 19.6-acre Tomlin Timber Nature Preserve (INAI #0191), which has been owned by the Save the Prairie Society since 1998. Tomlin Timber was dedicated as an Illinois nature preserve in 1987 for its 18.5-acre grade A sand forest dominated by black oak (*Quercus velutina*). At that time, Tomlin Timber was owned by Dr. Ramona T. Mattson. For at least the last 60 years, access to the 160 acres adjacent to the western boundary of Tomlin Timber has been accomplished by using an unpaved field lane located “along the south 20 feet more or less” of Tomlin Timber. This is according to an affidavit dated September 22, 2009 and signed by James M. Tomlin, nephew of the late Dr. Mattson. The affidavit does not specifically mention the actual width of the lane. In 1976, the INAI noted the existence of this lane along the southern boundary of the site. This lane was mentioned again in the dedication proposal as “a farm road [that] borders the south boundary [of Tomlin Timber]...” The lane was not excluded from the Nature Preserve dedication. A narrow strip of woods, with mature black oak trees, lies between the lane and the actual southern boundary of the property. Although no formal easement for ingress and egress was ever drafted to access the 160 acres to the west of the Nature Preserve, this use has been tacitly acknowledged and has continued to the present time. Measurements of the heavily used portion of the lane (i.e., width of compacted tire tracks) was approximately 9 feet wide, more or less; adding marginal areas yielded a width of approximately 14 feet. A gate at the western end of this lane, just beyond the boundary of Tomlin Timber Nature Preserve, measured 15 feet wide. The Daniel Estate was requesting to codify this farm lane as an easement of 30 feet and is presenting this document today for Commission approval. The landowner, Save the Prairie Society, has agreed to allow an easement of 20 feet.

Jerry Tice, attorney representing Gregory Johnson and Reta Power, stated that he was seeking a formalized easement allowing access to the 160 acres owned by Mr. Johnson and Ms. Power. Mr.

Tice gave an extensive overview of the history of the property. He stated that the 30-foot-wide easement was necessary to allow the ingress and egress of large farm equipment. The land was currently being farmed, and it was anticipated that this use would continue once the land was sold. Mr. Tice stated that the current farmer did not access this land by the current lane because he gained access through a mutual agreement with the landowner to the south. It was anticipated that this agreement would not continue once the 160 acres was sold.

Jenny Skufca presented the INPC staff recommendation, and it has been attached as Exhibit D. She stated that staff recommended that the 30-foot-wide easement request be denied; however, staff would recommend the approval, in keeping with the previous use and the landowner's wishes, that a 20-foot-wide easement be approved.

Commissioner Allread asked if there were any endangered or threatened species found on or near this access lane.

Mr. Lerczak stated that there were none, but there were other native shrubs and trees that occur there. The black oak trees were focused on because they were the dominant species of the community.

Chair Riddell asked if the area to the south of the access lane effectively acted as part of the Nature Preserve because it had the same type of vegetation that was on the north side of the road.

Mr. Lerczak stated that was correct.

Chair Riddell asked for clarification on what the Commission could legally approve for the taking of nature preserve property.

Mr. Heidorn stated that it had to be for an imperative public necessity; a need for a public use.

Chair Riddell stated that the Commission could legally approve the 20-foot-wide easement (a part that was previously used according to the prior landowner's affidavit) but it could not legally go beyond the 20 feet because there was no evidence of an imperative public necessity. Even the 20-foot-wide easement was a bit of an expansion since the gate was only 15 feet wide.

Mr. Heidorn stated that the idea with the 20-foot-wide easement was to be consistent with what the previous affidavit specifically listed as the width of the easement. The 20-foot-wide easement was what the landowner felt was a reasonable width.

Commissioner Rosenthal stated that since the previous landowner's affidavit stated there was a 20-foot-wide easement, there would not be a taking because this was the width that had been used over a 60-year period.

Mr. Tice stated that it was his opinion that this was not a taking of any of the land that was now in the Illinois Nature Preserve System, nor did he believe, under the Statute, that the facts of this case would indicate that it was a taking or for a public use. He stated that it was for a private use of adjoining land. The owners of the 160 acres were the dominant owners of this easement under the law. He

stated that the 20-acre tract owned by Save the Prairie becomes the serviant estate of this easement subject to the rights of the use of that easement. He stated that the use of that easement has to be reasonable for the needs of the owner of the 160 acres. He stated that according to the title records, the easement was never been formalized, and that was what created the problem. He stated that this was a use that was permitted over the years; a use not uncommon in rural areas. When the 20 acres was dedicated, it was dedicated subject to the rights of this easement by the dominant landowner. When it was conveyed to Save the Prairie it was subject to that. He stated that he believed that it did not require any imperative use or need for a public use because it was not for a public use. He stated it was for a private use.

Mr. Heidorn stated that taking was only allowed when there was an imperative public necessity. In this case, the Commission was recognizing that there was a 20-foot-wide existing use for this area and was willing to codify that use. The expansion of that use to the 30-foot-wide easement would become a problem and invokes the language of the Act which limits the Commission's ability to go beyond the 20 feet. In addition, the language that was before the Commission at this time was for the 30-foot-wide easement that was written by Mr. Tice. One option would be to direct staff to change the language to reflect the approval of the 20-foot-wide easement.

It was moved by Allread, seconded by Keating, and carried that the following resolution be approved:

The Commission denies approval of a 30-foot-wide easement for ingress and egress at Tomlin Timber Nature Preserve in Mason County, as described in the proposal presented under Item 15 of the Agenda for the 204<sup>th</sup> Meeting because there was no evidence that the taking of additional nature preserve land was for an imperative public necessity.

(Resolution 2063)

It was moved by Payne, seconded by Allread, and carried that the following resolution be approved:

The Commission grants approval of a 20-foot-wide easement for ingress and egress at Tomlin Timber Nature Preserve in Mason County, as recommended by Illinois Nature Preserves staff and the landowner as presented under Item 15 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2064)

Chair Riddell stated that staff was directed to work out the details to formalize the 20-foot-wide easement.

Chair Riddell thanked Mr. Tice for bringing this item before the Commission.

204-16) Tazewell Co. – Dirksen-McNaughton Woods Land and Water Reserve, Bridge Replacement

Tom Lerczak stated that the City of Pekin was seeking approval to proceed with the Federal Highway Administration's process for making a *de minimus* finding regarding plans to replace the Sheridan Road bridge/culvert structure at Lick Creek within a portion of the Dirksen-McNaughton Woods Land and Water Reserve (INAI #1741), an 828-acre site owned by the Pekin Park District. Dirksen-McNaughton Woods was registered as a land and water reserve to protect nearly 700 acres of second growth forest that has supported a breeding bird community which includes 17 species sensitive to the effects of forest fragmentation. The 25.3-foot-wide bridge across Lick Creek was proposed for replacement due to its age and deterioration. The new bridge would be 38 feet wide, including a 5-foot-wide sidewalk, which would allow hikers to avoid vehicles in the roadway. The present bridge did not have a sidewalk. The roadway right-of-way was by prescriptive use and was excluded from the registered area. In order to replace the bridge, approximately 0.06 acres outside of the current prescriptive-use footprint would be impacted, including three trees greater than six inches in diameter at breast height and two sand bars (0.05 acres) in the Creek, which were determined by the Illinois Natural History Survey to be wetlands of low natural quality. None of the forest along Sheridan Road could be considered high quality. Any desirable trees that may have to be removed and the impacted wetlands would be mitigated. This project would not result in additional permanent forest fragmentation, although the area within the construction footprint would certainly be disturbed. Control measures would be taken to protect Lick Creek from erosion and sedimentation during construction. Following construction, the City of Pekin would seek a permanent easement on the road right-of-way, the revised boundaries of which would be determined by a professional survey, for roadway maintenance. The proposed project would enhance public safety but would require encroachment into the Land and Water Reserve. This was a procedural approval to proceed with public input through a Federal Highway Administration (FHWA) process and not approval of the project or easements.

Mr. Lerczak stated that approval of this concurrence agreement would not imply that the Commission would approve the project or any future easements associated with the project. It would be an approval of proceeding with the *de minimus* process.

George Merkel, Mauer Stutz, Inc., gave an overview of his background and qualifications. He presented a PowerPoint presentation of the proposed project. The existing structure was a triple box culvert. Traffic drives on the top of the structure. Currently there was no guardrail in place, and the corners of the bridge were only marked by hazard markers. He stated that there have been a series of accidents, mostly on the outside of the curve, where people were driving too fast for conditions causing them to run off the road, hit the bridge, or hit trees in the area. The stream has degraded to a point where the flow line of the stream was actually below the bottom of the concrete box. There was a void underneath the structure when no water was in the stream. He stated that water was actually migrating underneath the structure which was adding to its deterioration. There was also deterioration of the concrete. The structure now meets federal standard for approval of replacement using federal dollars.

Mr. Lerczak stated he has looked at the three trees that would need to be removed to allow the replacement of the bridge, and they were cottonwood trees. The other trees that were close to the road were black locust trees which were non-native and undesirable.

Mr. Merkel presented the available options for the project. One option would be to close the road and remove the bridge completely. He stated that was not considered to be a very good option. The second option would be to build alongside the existing structure on a new alignment to try to remove some of the curve in the roadway. The third option was to build a replacement structure on the same alignment and do the bridge one half at a time by staging the construction which would allow the bridge to remain open to traffic. The last option would be to build a replacement structure with the same alignment and close the road during construction.

He stated that option one would close the road and remove the bridge. This would increase the length of travel by persons who used the road by a minimum of three and one-half miles. That computes to over \$530,000 per year for people traveling that roadway. It would also increase emergency response time for the people who live in that area. It would more than double the allowed time for emergency response. The children attending schools in the area would have to leave earlier in the morning to get to school on time because of the adverse travel.

Mr. Merkel stated that option two (building alongside the existing structure on a new alignment to reduce the curve in the road) would allow traffic to use the road during construction. Option two was disallowed because it was too intrusive on the Land and Water Reserve.

Mr. Merkel stated that option three (building a replacement structure on the same alignment and stage the construction to allow the bridge to remain open to traffic) was disallowed because it was too dangerous because the unknown amount of undermining under the structure. The current bridge was only 23.5 feet wide which was not wide enough to accommodate a barrier down the middle.

Mr. Merkel stated that the last option (building a replacement structure with the same alignment and close the road during construction) was the one that they were pursuing at this time. This option would have a minimal amount of impact to the Land and Water Reserve. The impacts would be reduced by building the proposed structure with widths and slopes less than the federal policies they are required to follow. He stated that they still considered these safe to the traveling public. He stated that these were things that they have to take back to the FHWA for approval and get variances to policy. He stated that he has had early coordination with the FHWA, and they have been advised that they could probably get variances to policy because of the impacts to the Land and Water Reserve.

Mr. Merkel presented the federal requirements for local road projects. The FHWA requires a roadway width of 12-foot, minimum of 11-foot. The flag on the curve is 24 inches with a 6 inch high curb. Under option number three, the FHWA wanted a minimum 30-foot face-to-face of curb section. They would only be designing for a 26-foot face. They were already reducing the width by four-foot below what policy calls for. Curbing may be applicable where restrictive right-of-way prohibits use of normal ditch sections. They will have to include a curb and gutter section to try to reduce that impact. The FHWA guidelines call for the minimum slope to be a 1-3 (for every one foot in vertical change, you need to go out three feet horizontally). For curbed facilities, the slope should also be 1-3.

Mr. Merkel stated that they would like to add a sidewalk on the north side of the road. There was an existing trail system within the Park, and there were trails on both sides of the creek. Currently hikers

visiting the trail system have to walk in the roadway to get from one side of the creek to the other. The proposed structure would result in removing a slight portion of the curve, and the sidewalk would be added to the north side. He stated that they were looking at an arch culvert or a double box culvert. The sidewalk would be protected by a solid barrier.

Mr. Merkel stated that he was seeking the Commission's concurrence to move forward with the public hearing portion of the project. Once the public hearing has been concluded, they would develop the documentation for the *de minimus* process with the FHWA. He stated that they would come back to the Pekin Park District and the Commission to obtain final written approval on the project. Once that is done, they would submit the project to the FHWA for the ultimate final approval.

Jenny Skufca presented the INPC staff recommendation regarding this request, and it has been attached as Exhibit E. She stated that approval was recommended for the City of Pekin to proceed with the FHWA's process for making a *de minimus* impact finding and to proceed to the next steps (holding a public meeting and gathering comments). No approval of either the project or any easements should be conferred at this time. It was also recommended that staff continue to facilitate the consideration of alternatives for this project and for appropriate mitigation.

It was moved by Allread, seconded by Payne, and carried that the following resolution be approved:

The Commission grants approval to proceed with the *de minimus* process for the bridge replacement at Dirksen-McNaughton Woods Land and Water Reserve in Tazewell County, as described in the proposal presented under Item 16 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2065)

Chair Riddell stated that staff has been given comments from Joe Roth, INPC Consultant, regarding this project, and she asked that staff take his comments into consideration.

Chair Riddell thanked Mr. Merkel for bringing this project to the Commission.

204-17) McHenry Co. – Hack-ma-tack National Wildlife Refuge, Letter of Support

Steven Byers gave a PowerPoint presentation on the Hack-ma-tack National Wildlife Refuge. He stated that letters of support from the governors of Illinois and Wisconsin have been sent to the U.S. Fish and Wildlife Service (USFWS) to conduct a feasibility study for establishing a National Wildlife Refuge in the bi-state region of northeastern Illinois and southeastern Wisconsin. Consequently, representatives of the USFWS conducted an initial assessment and on-site survey of a feasibility study area for a proposed National Wildlife Refuge in December 2009. The proposed refuge lies within the Upper Mississippi River and Great Lakes Region Joint Venture. Joint Ventures are USFWS-sponsored collaborative partnerships that integrate migratory bird priorities into conservation actions at multiple landscape scales. Over half (36 of 70) of the priority bird species identified in this Joint Venture use the area for nesting. Similarly, over half (51 of 83) of the bird species identified as Conservation Priorities by the USFWS Region 3 nest within the area. Nearly 8,000 acres of land in the study area are owned by natural resource agencies (McHenry County

Conservation District – 6,057 acres; Wisconsin Department of Natural Resources – 1,560 acres). In Illinois, the proposed feasibility study area supports 10 natural communities (including 3 considered globally significant by The Nature Conservancy), 588 native plant species, 201 bird species, 1 federally listed plant species and 57 state-listed endangered or threatened plant and animal species. The proposed National Wildlife Refuge lies within or adjacent to the Lake-McHenry Wetland Complex Conservation Opportunity Area (COA), a key provision of the IWAP. Embedded within this COA are IDNR-recognized Resource Rich Areas and High Quality Aquatic Areas, Important Bird Areas, and Portfolio Areas identified by The Nature Conservancy. At least 20 wildlife species considered in greatest need of conservation nest or breed within the proposed feasibility study area. Establishment of a proposed National Wildlife Refuge has been identified as one of 21 Green Legacy Projects recently celebrated at the Burnham Plan Centennial. In addition, the protected and unprotected open spaces located within the proposed National Wildlife Refuge are identified for their natural resource values in the Chicago Wilderness Green Infrastructure Vision. Considerable outreach to the public and local communities about the proposed National Wildlife Refuge has been conducted and is continuing by Friends of Hack-ma-tack. Friends of Hack-ma-tack, and its partners, are pleased to recommend that the INPC endorse a feasibility study of the bi-state region for a National Wildlife Refuge and promote its establishment.

John Rogner stated that he was personally very excited about this project. He stated that Governor Quinn has signed a letter of support. He stated that this was a good time to get additional letters of support, and he would be happy to provide any information to include in the letters of support.

It was moved by Keating, seconded by Allread, and carried that the following resolution be approved:

The Commission grants approval for a letter of support for the Hack-ma-tack National Wildlife Refuge in McHenry County as described in the proposal presented under Item 17 of the Agenda for the 204<sup>th</sup> Meeting.

(Resolution 2066)

204-18) Public Comment Period

There was no public comment.

204-19) Other Business

There was no other business.

204-20) Adjournment

It was moved by Rosenthal, seconded by Keating, and carried that the meeting be adjourned at 2:15 p.m.

Illinois Nature Preserves Commission  
One Natural Resources Way

Springfield, IL 62702  
217/785-8686

# **EXHIBIT A**

**To:** Commissioners  
**From:** Kelly Neal, Jenny Skufca, Randy Heidorn  
**Date:** January 22, 2010  
**Subject:** Staff Report for the 204<sup>th</sup> Meeting of the Illinois Nature Preserves Commission

**I. Illinois Nature Preserves Commission (INPC) Operations:**

- A. Jenny Skufca:
  - 1. Continued coordination and development of the photo exhibit with the Illinois State Museum and the 500<sup>th</sup> protected site event planning with the Environmental Law and Policy Center.
  - 2. Assisted Kathy Andrews, *Outdoor* Illinois magazine editor, with content for an upcoming story on Doris Westfall Prairie Restoration Nature Preserve (NP).
- B. Randy Heidorn was drafted by the Illinois Department of Natural Resources (IDNR) to serve as Logistics Section Chief in an incident management team established to plan and manage the multi-state and agency effort to control Asian carp in the Chicago Sanitary and Ship Canal. The planning effort for Operation Silver Shield consumed considerable time in November with the actual event that included over 500 personnel, taking place during the first week of December. Debbie Reider also assisted by coordinating and providing for payment for lodging for IDNR personnel involved with the project. Steven Byers, Kim Roman, Tom Lerczak, Bryan Eubanks and Mitchell Lovgren participated in the event working in the Logistics Section.
- C. Steven Byers testified on behalf of INPC at the public meeting of the Board of Commissioners of the Forest Preserve District of Cook County (FPDCC) in support of the FPDCC budget for 2010.
- D. Tom Lerczak provided information on Dirksen-McNaughton Woods Land and Water Reserve (LWR) to Sandra Murphy, a writer-consultant working on Illinois River Scenic Byway interpretive signs.
- E. Mary Kay Solecki:
  - 1. Reviewed all protection proposals, NP documents, and LWR documents for the 204<sup>th</sup> INPC meeting.
  - 2. Chaired the LWR Procedures Update Committee and a drafted report on updating procedures for acquiring and registering LWRs. Kim Roman also participated on this Committee.

**II. Training, Presentations, and Meetings Attended:**

- A. All INPC staff attended an INPC staff meeting held in Springfield held October 27, 2009.
- B. Jenny Skufca presented two sessions related to Illinois' protection of high quality natural areas and effective environmental education for the Midwest Environmental Education Conference in Champaign.
- C. Randy Heidorn, Kelly Neal, John Nelson, Kim Roman, Angella Moorehouse, Tom Lerczak, Mary Kay Solecki, Debbie Newman, Bob Edgin, Mitchell Lovgren, and Bryan Eubanks attended a Stewardship Summit with staff of IDNR, Division of Natural Heritage.
- D. Deborah Stone coordinated Conservation Congress in her role as Deputy Director for the IDNR. Debbie Reider provided clerical support for the Public Access Committee meetings in preparation for Conservation Congress. Kelly Neal and Jenny Skufca received training in meeting facilitation and assisted in the facilitation of the 2009 Conservation Congress meeting in Springfield.
- E. Kelly Neal, Debbie Newman, and Bob Edgin attended meetings to discuss the Illinois Natural Areas Inventory (INAI) Update and Sustainable Natural Areas Plan (SNAP). Additional written comments were provided by Randy Heidorn.
- F. Midwest Fish and Wildlife Conference:
  - 1. Bryan Eubanks presented his thesis work on marsh rice rats.
  - 2. Angella Moorehouse gave a presentation entitled "Status of Pioneer Cemetery Prairie Natural Areas in Illinois and Their Management Challenges" and assisted as a volunteer at the Midwest Fish and Wildlife Conference.
  - 3. Randy Heidorn prepared a paper on the new Illinois Prescribed Fire Act which was presented by Bob Szafoni from IDNR, when Mr. Heidorn was unable to present due to a conflict caused by his role in Operation Silver Screen.

4. Debbie Reider assisted at the registration table and speaker check-in.
  5. Other INPC attendees included Kelly Neal, Jenny Skufca, John Nelson, Debbie Newman, and Mitchell Lovgren.
- G. Randy Heidorn, Kelly Neal, and Jenny Skufca attended Division of Natural Heritage and Partners staff meetings.
- H. Steven Byers and John Nelson participated in a gypsy moth planning strategy meeting.
- I. Tom Lerczak and Mitchell Lovgren attended the University of Illinois Extension's Seminar on Emerald Ash Borer Risk Management.
- J. Mary Kay Solecki, Debbie Newman, Mitchell Lovgren, and Bryan Eubanks completed pesticide license training and testing.
- K. John Nelson attended the Sustainable McHenry County Workshop.
- L. Steven Byers:
1. Served as co-chair of the Chicago Wilderness (CW) Natural Resources Management Team with Jeff Mengler of the U.S. Fish and Wildlife Service (USFWS) and represented INPC on CW Coordinating Group, and CW Steering Committee.
  2. Attended a three-day Green Infrastructure Training Workshop, sponsored by The Conservation Fund, CW and USFWS.
  3. Represented the INPC at The Burnham Plan Centennial celebrating 21 Green Legacy Projects. Those projects included Deer Grove West Woodland and Wetland NP, celebrated as the 500<sup>th</sup> site in the Illinois Nature Preserves System, and Carl N. Becker Savanna NP.
  4. Hosted a meeting with Friends of the Forest Preserve (project partners) and conducted site visits to review options and opportunities to submit a grant for restoration and management of Chicago Lake Plain sites. The pre-proposal was subsequently approved (see Stewardship Activities).
  5. Meeting with Sustain Our Great Lakes/United States Environmental Protection Agency (USEPA) and CW to review Great Lakes Resource Initiative grant opportunities.
  6. Presented information to the USFWS orchid recovery team about the INPC and recent efforts to protect two sites with the federally threatened prairie white fringed orchid.
- M. Angella Moorehouse:
1. Assisted IDNR staff at the Keokuk, Iowa Bald Eagle Appreciation Days event.
  2. Gave an interview for the *Quincy Herald Whig* newspaper on job duties for the Commission in west-central Illinois.
  3. Assisted with Wildland Fire Training (S130/190, L180) at Black Hawk State Historic Site, Rock Island in cooperation with the Quad Cities Prescribed Fire Coalition, Quad Cities Natural Area Guardians, Rock Island County Soil and Water Conservation District (SWCD) and the IDNR.
  4. Gave a presentation and led a field trip at the fall festival for Stony Hills NP hosted by the new landowners, Prairie Land Conservancy.
  5. Gave two presentations on forest invasive species management for the Forest Stewardship Conference at Loud Thunder Forest Preserve in Rock Island County, sponsored by the Rock Island County SWCD.
- N. Tom Lerczak attended the annual meetings of the ParkLands Foundation and the Friends of the Sangamon Valley.
- O. Mary Kay Solecki provided an interview for an article on prescribed burning that appeared in the *News-Gazette* (Champaign-Urbana) and a radio spot on WILL AM radio.
- P. Debbie Newman:
1. Gave a presentation to the Kaskaskia Valley Audubon on the ecology and preservation of Southern flatwoods.
  2. Taught a class on Introduction to Prairies for the Southwest Illinois Master Naturalists.
  3. Participated in the annual meeting of the Southwest Illinois Wildlife Action Plan Partnership.
- Q. Bob Edgin:
1. Led a field trip at Lake Sara Flatwoods Natural Heritage Landmark (NHL) for the Lake Sara Good Neighbors Association.
  2. Gave a presentation entitled "Staying Green" for the Altamont Garden Club.
  3. Wrote an article entitled "Karcher's Post Oak Woods NP – the First 10 Years" for the Illinois Audubon magazine.

- R. Judy Faulkner Dempsey:
  1. Assisted with the planning and preparation for the Cache River 30 Year Celebration and Fish Fry to honor private landowners for their contributions to preserving the Cache River Wetlands. She also attended this event.
  2. Honored by Green Earth, Inc., a local land trust, at a Celebration for 35 years of success protecting natural areas in Carbondale.
- S. Bryan Eubanks and Mitchell Lovgren completed I100 Incident Command Orientation, L180 Human Factors on the Fireline training (Eubanks), S130 Firefighter Training, and S190 Introduction to Wildland Fire Behavior fire courses.

### III. Inventory and Monitoring:

- A. Randy Heidorn, Kelly Neal, Jenny Skufca, and Bob Edgin attended the Natural Areas Evaluation Committee meeting.
- B. John Nelson:
  1. Submitted INAI nomination forms to recognize new stream segments in Winnebago and Boone counties as Category VI sites – for high diversity mussel fauna, and to recognize the lower Kishwaukee River as a Category II site for presence of the black sandshell mussel. Assisting were Bob Szafoni and Brad Semel of the IDNR.
  2. Submitted Element of Occurrence Records (EOR) to document the presence of the black sandshell mussel (state-threatened), in stream segments along the Sugar River, Kishwaukee River, and South Branch of the Kishwaukee River.
  3. Submitted an EOR to document the presence of a new population of *sullivantia* (*Sullivantia sullivantii*) (state-threatened plant) near Apple River Canyon.
  4. Participated in the search for new populations of state-listed plant species on the Wiley tract along the Apple River Canyon with Randy Nyboer, Cindi Jablonski, and Ed Anderson.
- C. Kim Roman assisted with field data collection for one potential INAI site in the Kankakee Sands.
- D. Angella Moorehouse:
  1. Conducted two Midwinter Bald Eagle Surveys along the Mississippi River (Pools 18-20).
  2. Participated in the Keokuk, Iowa Christmas Bird Count censusing birds within the Cedar Glen NP and associated macrosite (INPC sites) and natural areas in west-central Hancock County.
  3. Visited a privately owned site along the La Moine River in Schuyler County to evaluate its potential as a high quality natural area.
  4. Worked with Bill McClain (IDNR retired) to provide data and field assistance for a project involving an inventory of rare plants, chiefly stickleaf (*Mentzelia oligosperma*) in Pike County.
- E. Tom Lerczak:
  1. Completed a red-headed woodpecker survey at Sand Prairie-Scrub Oak NP.
  2. Surveyed Cooper Park Wetlands LWR for decurrent false aster (*Boltonia decurrens*).
  3. Continued a survey of dog activity and evaluation of the dog policy (i.e., leashed dogs allowed on trails) at Carpenter Park NP.
  4. Notified district INAI update regional ecologist about a potential natural area in Marshall County and followed up on the status of a potential natural area (Boyle Woods in Cass County) that was brought to the attention of the district INAI update regional ecologist.
- F. Debbie Newman rediscovered two populations of shortleaf pine (*Pinus resinosa*) at Salt Lick Point LWR noted in the original INAI.
- G. Bob Edgin:
  1. Conducted visits to potential new INAI sites identified during the INAI update process.
  2. Developed INAI nominations for Horn Prairie Grove LWR as a Category I site for the presence of .025 acres of grade B seep and Ankenbrand Forest and for Wabash County for presence of 28 acres of grade B mesic floodplain forest.
  3. Recommended deletion of Grandville Woods from the INAI and the NHL program because of extensive logging.
  4. Conducted vegetation sampling at Karcher's Post Oak Woods NP to monitor changes in forest structure following four prescribed burns in a 10-year period.
- H. Judy Faulkner Dempsey toured equestrian camps near natural areas on the eastern side of Shawnee National Forest to determine use and number of potential horses/camper units compared to previous years.

- I. Mitchell Lovgren photo documented headstones at Mt. Palatine Cemetery Prairie NP.

#### **IV. Protection Program:**

- A. Wapello LWR in Jo Daviess County is now listed on the National Register of Historic Places by the National Park Service. The site contains the only known platform mound remaining within the Apple River Valley. The site is unique in that it contains a settlement history of a mixing of peoples during the Terminal Late Woodland and Mississippian cultures
- B. Staff met with landowners and managers to plan and draft protection proposals that are on the agenda of the 204<sup>th</sup> meeting.
- C. John Nelson:
  - 1. Participated in a Boone Creek Headwaters Planning Meeting hosted by the McHenry County Conservation District (MCCD).
  - 2. Wrote five letters of introduction to landowners of INAI sites and three letters of introduction to landowners of NHLs.
  - 3. Met with representatives of the Boy Scouts of America (BSA) Blackhawk Area Council to discuss possible registration of lands near Apple River Canyon. This land protection effort is a Natural Land Institute (NLI) initiative involving the IDNR, INPC, and the BSA. Began writing a draft proposal to register the Canyon Camp addition to Apple River Canyon LWR.
- D. Steven Byers:
  - 1. Gave a presentation and helped arrange a two-day site visit by USFWS Refuge personnel to the proposed Hack-ma-tack National Wildlife Refuge study area.
  - 2. Provided presentation on the INPC and “Forested Fen” to the Fox River Country Day School Board of Trustees on an opportunity to formally protect a site as an Illinois NP.
  - 3. Participated in Lake County “visioning” with the Liberty Prairie Conservancy to establish a vision and goals for protected landscapes in Lake County.
  - 4. Reviewed an opportunity with The Nature Conservancy (TNC) to protect 32 additional lots adjacent to Gensburg-Markham Prairie NP.
- E. Kim Roman:
  - 1. Met with the neighbor of Short Pioneer Cemetery Prairie NP to discuss management and protection of the buffer property surrounding the NP.
  - 2. Contacted one neighbor of Sweet Fern Savanna LWR to inquire about protection options or the sale of their property.
- F. Angella Moorehouse met with Eric Anderson, newly hired staff of NLI to coordinate land protection efforts in the Quad Cities area and to discuss protection options for the NLI tract at Milan Bottoms.
- G. Tom Lerczak:
  - 1. Initiated or renewed five landowner contacts of unprotected natural areas or areas for potential LWRs, NPs, or conservation easements.
  - 2. Met with 15 landowners of NPs, LWRs, or NHLs.
  - 3. Met with Sand Ridge Forest site superintendent, Billy Lowe to discuss potential LWRs.
  - 4. Reviewed a LWR proposal for Mary Kay Solecki for the 204<sup>th</sup> meeting of the INPC.
  - 5. Facilitated communications between the Illinois Audubon Society and a private landowner concerning a possible conservation easement.
  - 6. Visited a potential hill prairie natural area in Marshall County and discussed protection options with the landowner.
- H. Mary Kay Solecki:
  - 1. Initiated landowner contact at two unprotected natural areas.
  - 2. Participated in retreat with Land Trust Alliance staff and Land Conservation Foundation volunteers to assess organizational strengths and needs of the Foundation.
- I. Debbie Newman made landowner contact with three INAI site owners (Prairie du Rocher Herpetological Area, Columbia Hill, and Miles Prairie.)
- J. Bob Edgin:
  - 1. Developed registration proposals, management plans and registration documents for Chauncey Marsh LWR and Flag Pond LWR and a buffer addition to Beadles Barrens NP.
  - 2. Met with two owners of INAI sites to discuss protection options.
  - 3. Maintained landowners contacts with owners of seven sites enrolled in INPC programs.

- K. Judy Faulkner Dempsey:
  1. Set up and attended meeting with Lafarge Corporation, INPC, and IDNR (Jody Shimp and Pat Malone) to determine how Lafarge could dedicate Collier Glade as a NP and use the dedication as mitigation for their mining operation.
  2. Met with Roberta Perry, landowner at Stonewood Farm, (INAI #1733) to propose her land as a LWR and wrote the LWR proposal.
  3. Made several landowner contact phone calls to set up a meeting with the landowner of Britton Springs. The area has the second largest population of dusky salamanders in Illinois.
- L. Mitchell Lovgren:
  1. Maintained contact with five landowners of privately owned LWRs or NPs and met with one new landowner to discuss INPC programs.
  2. Worked on addition proposals for two state owned properties: Sand Prairie-Scrub Oak NP and Sparks Pond LWR.

#### V. Land Acquisition:

- A. Angella Moorehouse assisted the Prairie Land Conservancy and Save the Prairie Society in an unsuccessful attempt to acquire Housen Hill Prairie Natural Area, Pike County, at auction.
- B. Tom Lerczak attended a meeting with Ducks Unlimited and the IDNR to discuss acquisitions at Sanganois State Fish and Wildlife Area related to the LWR program.
- C. Debbie Newman worked on coordinating landowner contacts and providing facts to non-governmental organizations interested in the acquisition of three INAI sites totaling 510 acres in Monroe County.
- D. Bob Edgin met with owners of a site in Fayette County regarding a possible donation to the IDNR.
- E. Judy Faulkner Dempsey has assisted with negotiating the acquisition of half of Lovet's Pond adjacent to Lovet's Pond NP over the past three years. The acquisition has been finalized.

#### VI. Defense Program:

- A. Jenny Skufca:
  1. Responded to seven reviews for the IDNR's Comprehensive Environmental Review Program (CERP) and 11 reviews for the IDNR's consultation program.
  2. Continued preparation of Class III Groundwater Petition packets to the Illinois Environmental Protection Agency (IEPA) for George B. Fell NP, Goose Lake Prairie NP, and Spring Grove Fen NP.
  3. Worked with Illinois State Geological Survey staff to prepare Class III Groundwater Petitions for Trout Park NP, Cotton Creek Marsh NP, and Gladstone Fen NP.
- B. Steven Byers represented the INPC at an Illinois Department of Transportation (IDOT) public meeting regarding the Route 47 road widening project. Purpose was to establish ramifications of the proposed Algonquin Road bypass to the proposed HUM Railroad Prairie NP.
- C. Kim Roman met with archaeologists on contract with IDOT for a bridge replacement at Rock Creek Canyon in Kankakee River State Park to address potential impacts to this INAI site.
- D. Angella Moorehouse assisted in consultation with the Illinois Historic Preservation Agency and IDOT regarding plans to rehabilitate parking areas and walkways near the Black Hawk Lodge to ensure that there would be no negative hydrological impacts to the nearby Black Hawk Forest NP.
- E. Bob Edgin monitored repair of a bridge at Beall Woods NP.
- F. Mitchell Lovgren recorded GPS coordinates, conducted ground-truthing on measurements and photo documented a farm lane running through Tomlin Timber NP in relation to access and usage issues.
- G. Threats to sites within INPC programs:
  1. **Lake in the Hills Fen NP, McHenry County – John Nelson**
    - a. Issue: On March 25, 2009, a wildfire occurred at Lake in the Hills (LITH) Fen.
    - b. Threat: The LITH-Algonquin Fire Protection District responded by entering the NP with brush trucks that got stuck in hydric soils. A Bobcat skidsteer was called on-site to extract vehicles, and it also got stuck.
    - c. Status: Ongoing. A Wildland Fire Training course has been set for April 9-11, 2010, to be hosted at the LITH-Algonquin Fire Protection District headquarters.
  2. **Bluff Spring Fen NP, Cook County – John Nelson, Steven Byers, Jenny Skufca**
    - a. Issue: Routing of water from Gifford Lake and "finger lakes" located adjacent to Bluff Spring Fen is currently under consideration by the FPDCC. Options include surface conveyance of water from Gifford Lake or conveyance of the water via a pipe.

- b. Threat: INPC groundwater consultants Randy Locke and Jim Miner, Illinois State Geological Survey, have both recommended the piping alternative.
  - c. Status: Ongoing. A conference call took place on October 22, 2009, to discuss the results of a groundwater model re-calibration performed by Natural Resources Technology, a consultant to Bluff City Materials, Inc. The storm water piping project is on hold pending permits and approval by the FPDCC.
3. **Gladstone Fen NP, McHenry County – John Nelson**
- a. Issue: Proposed residential subdivision on land adjacent to the NP.
  - b. Threat: Close proximity to the NP could have impacts to the groundwater resource that sustains the high quality fen wetland and sedge meadow at Gladstone Fen NP. The development property is 58 acres and is currently zoned for seven home parcels. The subdivision plan calls for 13 home sites with a conservation area adjoining the NP.
  - c. Status: Ongoing. On December 17, 2009, INPC staff attended a meeting with IDNR Consultation staff (Kathi Davis), representatives of the Village of Bull Valley, developer, consultants and legal counsel. Conservation design, stormwater, and protection/restoration of 15 acres adjacent to the NP were the main topics discussed.
4. **Flora Prairie NP, Boone County – John Nelson**
- a. Issue: The Flora Township Road Commissioner cleared and removed portions of relict prairie vegetation from within the Flora Prairie NP on April 29, 2009. Work was performed along the road right-of-way (ROW). According to the Boone County Conservation District, the NP boundary extends to the center of road and precludes the authority of the township to conduct earth moving activities.
  - b. Threat: Direct impacts to dry dolomite prairie that cannot be restored.
  - c. Status: Resolved. The Boone County State’s Attorney determined that while the Township did cause damage to the NP, it was within its authority as the work was within the legally established road ROW.
5. **Stone Bridge Reserve LWR, Winnebago County – John Nelson, Jenny Skufca**
- a. Issue: The landowner of the LWR, Roscoe Township, installed an underground electric line through the LWR.
  - b. Threat: This is an unauthorized use that caused damage to the natural area, including potential damage to a state-listed species.
  - c. Status: Ongoing. A letter from the INPC was submitted on January 4, 2010, to Roscoe Township requiring them to submit a procedural agreement to consult with the INPC and easement holders (NLI and IDNR) before any future work is done in the LWR, a restoration plan for the damaged areas, and a timeline for completing the restoration by January 31, 2010, or further enforcement action will be necessary.
6. **Boone Creek Fen NP, McHenry County – John Nelson, Jenny Skufca**
- a. Issue: Concern that the landowner of the Dolly Kuetemeyer Woodlands buffer addition was using the NP buffer as a yard extension by planting turf grass and mowing regularly.
  - b. Threat: This is an unauthorized use and violates the dedication document.
  - c. Status: Resolved. The INPC submitted a letter to Mr. Kuetemeyer regarding the encroachment on September 24, 2009. A response was received October 5, 2009, denying that the buffer addition was being used inappropriately. On November 23, 2009, INPC staff met with the landowner to discuss proper management and use. Mr. Kuetemeyer has agreed to hire a consultant to plan and implement restoration activities.
7. **Ryan Wetland and Sand Prairie LWR, Lee County – John Nelson, Jenny Skufca**
- a. Issue: Wind turbine array, known as the Big Sky Project, will surround the LWR
  - b. Threat: Concern about noise, vibration, and shadow flicker causing faunal species to be displaced or avoid entirely the LWR.
  - c. Status: Ongoing. The LWR was an INAI at the time of IDNR’s consultation termination. Therefore no action on behalf of the Commission and under the Illinois Natural Areas Preservation Act (INAPA) was requested. Shadow flicker analysis was later requested, but not provided.
8. **Hybernia NP, Lake County – Steven Byers**
- a. Issue: A permit application submitted to the U.S. Army Corps of Engineers to fill wetlands to facilitate construction of three residential units adjacent to Hybernia NP.

- b. Threat: Direct and indirect impacts to Hybernia NP.
  - c. Status: Ongoing. INPC staff attended meeting convened by U.S. Army Corps of Engineers. The USFWS established that permit review by the Corps would trigger a Section 7 consultation. INPC staff are awaiting Corps public notice regarding permit application.
9. **Powderhorn Prairie and Marsh NP, Cook County – Steven Byers, Jenny Skufca**
- a. Issue: Flooding in 2009 inundated residential and commercial developments located adjacent to the NP.
  - b. Threat: Proposals to reduce incidence/severity of future flooding call for establishment of a berm west, north, and east of the NP, as well as a surface drainage north to Wolf Lake. These construction activities threaten hydrology of the NP.
  - c. Status: New. The INPC/IDNR are working through IDNR consultation to gather more information and evaluate viable options for reducing flooding.
10. **Eastern Prairie Fringed Orchid NP, Lake County – Steven Byers**
- a. Issue: IDOT intends to widen Route 22. The proposal for dedication of this site provided for this construction, which includes construction of a berm in order to reduce the width of the road project.
  - b. Threat: Indirect threat posed by sedimentation and subsequent increase in reed canary grass, which threatens long-term viability of a federally-threatened orchid.
  - c. Status: Ongoing. INPC staff facilitated an orchid count, and a site visit with staff of IDOT to look at construction limitations and identify mitigation measures to ensure healthy orchid population. INPC staff attended an IDOT public meeting to provide additional input.
11. **Bliss Woods NP, Kane County – Steven Byers**
- a. Issue: Lead shot deposited in the NP from activities which occurred at an adjacent, now defunct, sportsman's club.
  - b. Threat: Toxic material in the NP.
  - c. Status: New. INPC staff is supporting the landowner, Forest Preserve District of Kane County, in working with the IEPA to determine least disruptive resolution.
12. **Palatine Prairie NP, Cook County – Steven Byers, Jenny Skufca**
- a. Issue: A private firm (Golf Nation) erected a structure (with netting) in 2007 to support a golf driving range. The ground wires that support the structure intrude into the NP.
  - b. Threat: Unauthorized intrusion into the NP. The NP owner, Palatine Park District, wanted the infrastructure removed.
  - c. Status: Resolved. Golf Nation has removed the infrastructure from the NP to the landowner's satisfaction.
13. **Goose Lake Prairie NP, Grundy County - Kim Roman**
- a. Issue: Vehicular ruts were found along the ComEd right-of-way within/adjacent to the NP.
  - b. Threat: Severe soil disturbance is likely to affect the high quality wet prairie communities and disrupt IDNR's access with respect to managing the site.
  - c. Status: Resolved. ComEd is funding a contractor to be supervised by the INPC to repair the ruts and to control reed canary grass.
14. **Tallmadge Sand Forest LWR, Kankakee County - Kim Roman, Randy Heidorn, Jenny Skufca**
- a. Issue: During a site visit, evidence of a timber theft was observed.
  - b. Threat: At least 88 white oaks had been stolen from TNC property.
  - c. Status: New. This criminal case is being investigated by IDNR's law enforcement and legal counsel.
15. **Voight Pauper Cemetery Prairie LWR, LaSalle County – Kim Roman, Jenny Skufca**
- a. Issue: Shadow flicker modeling revealed that two wind turbines proposed within the Otter Creek Wind Farm would cause 47 minutes of flicker per day for 138 days of the year.
  - b. Threat: Concern that shadow flicker will displace species.
  - c. Status: Resolved. A letter was submitted by INPC to the LaSalle County Department of Environmental Services and Land Use to express our concern and to assert that this adverse modification to the LWR could be a violation of the INAPA. Minutes before the hearing, Iberdrola Renewables (wind farm developer) dropped the two turbines from the proposal.
16. **Sibley Grove NP, Ford County – Mary Kay Solecki, Jenny Skufca**
- a. Issue: One wind turbine within the Ford Ridge Wind Project is proposed to be within one-half mile of the NP.

- b. Threat: Concern about shadow flicker falling on the NP causing faunal species to be displaced or avoid the NP.
  - c. Status: Resolved. A letter was submitted by INPC to the Ford County Zoning Office on November 2, 2009, requesting that no flicker be permitted on the NP. BP Wind Energy North America ran their computer shadow flicker models again to confirm that no flicker would reach the NP.
17. **Prairie of the Rock Overlook LWR, Randolph County – Debbie Newman**
- a. Issue: Unknown persons have ridden ATVs all over the site below the hill prairie.
  - b. Threat: ATV damage throughout the site. In addition, a couple of INPC boundary signs have been pulled out and tossed into the LWR.
  - c. Status: Ongoing. The INPC is working with the landowner's tenant farmer and Prairie du Rocher Police to eliminate the activity.
18. **Salt Lick Point LWR, Monroe County – Debbie Newman**
- a. Issue: An individual bulldozed approximately one-fourth of an acre area across the LWR line.
  - b. Threat: Encroachment in the LWR.
  - c. Status: Ongoing. INPC staff and IDNR Conservation Police Officer are working with the neighbor to remedy the situation and prevent future incursions.
19. **DesPain Wetlands LWR, St. Clair County – Debbie Newman**
- a. Issue: Neighbor to the LWR had a survey done and posted boundaries on the LWR, claiming an additional 30-50 feet for his property.
  - b. Threat: Boundary intrusion; no damage to the LWR.
  - c. Status: Ongoing. INPC is working to bring the surveyors together.
20. **Stemler Cave NP, St. Clair County – Debbie Newman**
- a. Issue 1: Maintenance of a powerline that goes across the top of the NP sinkhole.
  - b. Threat 1: Maintenance is causing some vegetation issues, including destructive cutting and spread of non-native invasives.
  - c. Status 1: New. INPC staff met with the landowner and Monroe County Electric to discuss alternatives.
  - d. Issue 2: Concern regarding collapse of Stemler Road into the NP as the sinkhole is in an active enlargement phase.
  - e. Threat 2: As the road deteriorates, County officials will be required to do work causing direct impact to the NP.
  - f. Status 2: Ongoing. INPC staff is planning to meet with Highway Department officials.

## **VII. Stewardship Program:**

- A. The administrative rules (17 Ill. Admin. Code 1565) for the new Illinois Prescribed Burning Act (525 ILCS 37) were approved and went into effect on November 1, 2009. Randy Heidorn took the lead in drafting these rules in cooperation with the IDNR's Fire Task Force which he co-chairs with Tom Wilson from the IDNR. The rule set out the procedures and standards for prescribed burn plans, conducting prescribed burns, and becoming a certified prescribed burn manager. Compliance with these standards will result in setting the liability standard for prescribed burning to negligence per the Act.
- B. Stewardship Planning:
  - 1. Kelly Neal reviewed 21 management schedules, 12 unscheduled management activities, and management related CERP at 12 INPC sites.
  - 2. Staff prepared text for customized NP entrance signs.
  - 3. Field staff submitted and Randy Heidorn reviewed and signed prescribed burn plans for several sites in INPC programs.
  - 4. Field staff conducted site surveillance at several NPs and LWRs.
  - 5. John Nelson wrote management plans for Pine Rock NP, Boloria Fen and Sedge Meadow NP; updated and re-submitted a management plan for Brookville Lutheran Cemetery Prairie NP to the Cemetery Association.
  - 6. Steven Byers:
    - a. Attended a meeting to review plans by the Friends of Ryerson to rebuild a structure at Edward L. Ryerson NP.

- b. Hosted a meeting with Del Webb Communities of Illinois, Hey and Associates, and Sun City Community Association regarding continued management/stewardship of Del Webb Sedge Meadow and Grove NP.
  - c. Coordinated with Friends of the Forest Preserve to present a full proposal (\$875,000) to Sustain Our Great Lakes/ USEPA grant for stewardship at eight Chicago Lake Plain sites. Partners included Field Museum, Commonwealth Edison, Shirley Heinze Land Trust, IDNR, INPC, FPDCC, Calumet Memorial Park District, TNC, and Northeastern Illinois University.
  - d. Participated in an IDNR/INPC stewardship meeting hosted by Maggie Cole to review priorities/direction for management activities at Wolf Road Prairie NP.
  - e. Coordinated a Boy Scout project with Kelly Neal for a foot bridge at Wolf Road Prairie.
7. Kim Roman and Tom Lerczak worked on designing “add-on” signs for site-specific issues like ATV trespass, horse trespass, suburban lawn encroachment, etc.
  8. Kim Roman and Bryan Eubanks met with the Village of Romeoville to discuss the maintenance/upgrading of existing sewer facilities in O’Hara Woods NP and limitations of access and construction layout within the NP.
  9. Kim Roman:
    - a. Met with the Village of Matteson to determine the best placement of a trail connection to Old Plank Road Prairie NP (which was an allowable use at the time of dedication).
    - b. Participated in a conference call with Natural Resources Conservation Service (NRCS) and IDNR to discuss conservation funding opportunities in the Kankakee Sands.
    - c. Prepared updated management plans for Superior Street Prairie LWR and Voight Pauper Cemetery Prairie LWR.
  10. Angella Moorehouse:
    - a. Worked with Interstate Resource Conservation and Development, Rock Island County SWCD, IDNR, Illinois Historic Preservation Agency, Augustana College, Western Illinois University, Quad Cities Natural Area Guardians, as well as staff from agencies and organizations in Iowa to assist in the application of a U.S. Department of Agriculture Hazardous Fuel Mitigation Grant to reduce heavy fuel loads and control exotics within urban forest natural areas in the Quad Cities area. If the grant is awarded, the project will involve stewardship at Black Hawk Forest NP and Josua Lindahl Hill Prairies NP.
    - b. Assisted with the completion of an Invasive Species Report for natural areas in Rock Island County funded by a grant obtained by the Rock Island SWCD. The report included an assessment of exotics within two NPs: Black Hawk Forest NP and Josua Lindahl Hill Prairies NP, and two natural areas: Milan Bottoms/Mississippi River-Andalusia Slough and Indian Bluff Hill Prairie.
  11. Tom Lerczak:
    - a. Met with Steve Bracy, NRCS to develop a wetland management plan for Sandra Miller Bellrose NP and adjacent tracts.
    - b. Worked with Mitchell Lovgren with the distribution and purchase of INPC staff herbicide orders, signs, and sign posts.
  12. Mary Kay Solecki updated the management schedule for Russell M. Duffin NP.
  13. Debbie Newman:
    - a. Conducted Monroe and Randolph counties bluff corridor helicopter survey and mapping for bush honeysuckle populations. Also simultaneously conducted a brief aerial review of hill prairies.
    - b. Prepared seven management plan updates.
    - c. Provided information to a new exotics stewardship group in Washington County focusing on INAI and INPC sites.
    - d. Attended two committee meetings, worked with the committee and NRCS to develop a stewardship schedule for a large EQUIP grant for Salt Lick Point LWR.
    - e. Provided direction to one INAI owner who is funding extensive prairie restoration on their site.
    - f. Coordinated the IEPA and IDNR’s request to sample for lead at several Monroe County INPC sites.
- C. Stewardship project implementation: Staff continued to coordinate and administer stewardship projects, including the Hill Prairie Project, funded by Landowner Incentive Program (LIP), State Wildlife Grant (SWG), the Wildlife Habitat Incentive Program, an EPA 319 Grant, the NAAF, and the INPC operations fund. These projects involve meeting with landowners, securing landowner agreements, preparation of grant applications,

preparing bid packages, supervising contractors, and assisting in conducting restoration activities. Contractor work included prairie reconstruction and seed purchase, exotics and woody species control, dump cleanup, erosion control, boundary survey, fence construction and sign posting, and prescribed burn site preparation and burn crews. Sites where this kind of work occurred include:

1. Area 1 (Nelson): Kinnikinnick Creek NP; eight NP sites in the Boone Creek Watershed.
2. Area 2 (Byers): Powderhorn Prairie and Marsh NP.
3. Area 3 (Roman, Eubanks): Long Run Seep NP; Sweet Fern Savanna LWR; Iroquois Sands LWR.
4. Area 5 (Lerczak): Culp Conservancy Woods LWR and Walden West LWR.; Chandlerville Cemetery Hill Prairie LWR; Marshall Hill Prairies LWR; Wier Hill Prairie NP; Ridgetop Hill Prairie NP; Illinois River Sand Areas LWR; Chinquapin Bluffs LWR; Witter's Bobtown Hill Prairie NP; Hopewell Hill Prairies NP; Oak Bluff Savanna NP; and Crevecoeur NP.
5. Area 7 (Newman): 11 sites
6. Area 8 (Edgin): Edward V. Price Woods LWR; Emma Vance Woods NP; Culley Barrens LWR and P & E Refuge LWR.
7. Area 9 (Dempsey): Degonia Canyon LWR; Ren-Dill Shale Glade NP; Faulkner-Franke Pioneer Railroad Prairie NP

D. Land management conducted by staff:

1. John Nelson:
  - a. Installed customized entrance signs at four NPs.
  - b. Assisted Andy Bacon (NLI) in organizing a multi-agency stewardship project at Wilson Prairie NP.
2. Tom Lerczak completed GPS mapping at new sites for the Hill Prairie SWG: Crevecoeur NP, Hopewell Hill Prairies NP, Oak Bluff Savanna NP, and Witter's Bobtown Hill Prairie NP. Debbie Newman began coordinating extensive tire and dump clean up with volunteers, contractors, and the IEPA in a burn unit at Salt Lick Point LWR.
3. INPC staff conducted prescribed burns at several sites including:
  - a. Area 1: four NPs.
  - b. Area 3: Old Plank Road Prairie NP.
  - c. Area 5: Mitchell's Grove NP and Beaver Dam State Park.
  - d. Area 6: Baber Woods NP and Allerton Park.
  - e. Area 7: DesPain Wetlands LWR.
4. Additional invasive species, restoration and other management projects were conducted at several sites including:
  - a. Area 1: three NPs.
  - b. Area 2: Wolf Road Prairie NP; Sleepy Hollow Ravine NP; Bluff Spring Fen NP and Raceway Woods.
  - c. Area 3: Superior Street Prairie LWR; Goose Lake Prairie NP; Des Plaines Dolomite Prairie LWR; Iroquois Sands LWR; Long Run Seep NP; Voight Pauper Cemetery Prairie LWR; Short Pioneer Cemetery Prairie NP; Sweet Fern Savanna LWR; Carl N. Becker Savanna NP and Wolf Road Prairie NP.
  - d. Area 5: Walden West LWR; Merwin Savanna NP; Mackinaw River LWR; Tomlin Timber NP; Revis Hill Prairie NP; Bluff Springs Sand Pond NHL; Sand Prairie-Scrub Oak NP; Charles "Chinee" Colvin Sand Prairie LWR; Illinois River Sands Areas LWR and Bob Spanski's Walden Too LWR.
  - e. Area 6: Monticello's Sangamon River LWR; Loda Cemetery Prairie NP; Jasmine Hollow LWR and Barnhart Prairie Restoration NP
  - f. Area 7: Salt Lick Point LWR; Fults Hill Prairie NP.
  - g. Area 8: Red Hills Woods NP; Horn Prairie Grove LWR; 12-Mile Prairie INAI site and Beall Woods NP.

## EHIBIT B

**Illinois Department of Natural Resources  
Report to the Illinois Nature Preserves Commission  
January 26, 2010**

**Illinois Natural Areas Inventory update**

During the winter when the regional ecologists are not in the field they are evaluating maps and aerial photography to develop a list of new potential natural areas to evaluate in the coming field season. The 2009 field season generated a total of 67 sites that will be nominated as INAI sites. The process of quality assurance and control (QA/QC) on both the field data and the digital data is still ongoing. This QA/QC process will ensure that the proposed sites are up to INAI standards. Nomination packets for many of these sites should be forthcoming soon. Nomination packets for qualifying sites will be sent to the appropriate Natural Heritage Biologist for consensus and formal nomination. The Natural Area Preservation Specialists will be given the nomination packets during the nomination evaluation process for comments.

Re-evaluations of existing INAI sites, which was started last year, will continue this field season.

Dr. Deanna Glosser with Environmental Planning Solutions held a series of workshops with IDNR and INPC staff to assist her in the development of The Strategic Natural Areas Preservation Plan.

**Natural Areas Evaluation Committee**

The 53<sup>rd</sup> Natural Areas Evaluation Committee (NAEC) meeting was held November 3<sup>rd</sup>, 2009 and the 54<sup>th</sup> NAEC meeting was held January 5<sup>th</sup>, 2010. Actions taken at the two meetings resulted in the addition of two Category I sites to the INAI and one Category I site being removed from the INAI due to logging. Additionally, three new Category VI sites were added for high mussel diversity while two existing sites had Category VI added as a feature for the presence of high mussel diversity. A discussion about adding a woodland class to the INAI natural community classification system was held at the 54<sup>th</sup> meeting as a result of proposed standards provided by Dr. John Taft of the Illinois Natural History Survey. The discussions were tabled for a future special meeting of the NAEC to be held February 16<sup>th</sup> when Dr. Taft can be present.

**Cave closures**

White-nose syndrome (WNS) is a new wildlife disease of unknown origin that has

killed hundreds of thousands of bats across the northeast US during the past three years and continues unchecked. It threatens to spread to Illinois. Human activity in caves may be spreading WNS. DNR is considering closing caves in its ownership that support large hibernating bat populations. The closure would apply to the following 3 nature preserves and two land and water reserves.

Burton Cave Nature Preserve, Adams Co.

Fogelpole Cave Nature Preserve, Monroe Co.

Blackball Mines within Pecumsaugan Creek / Blackball Mines Nature Preserve, LaSalle Co.

Brainerd Cave Land and Water Reserve, Jersey Co.

Guthrie Cave Land and Water Reserve, Union Co.

### **Land acquisition**

One tract of land totaling 197 acres was acquired using the Natural Areas Acquisition Fund since the last INPC meeting. The new acquisition is an addition to the 1100 acre Copperhead Hollow State Wildlife Area in Jersey County. Copperhead Hollow is a large block of upland forest near Pere Marquette State Park. It provides habitat for declining forest dependent wildlife. NAAF was combined with DNR Habitat Fund money and contributions from the National Wild Turkey Federation and the Kinder Morgan energy company to acquire the tract.

### **Wildlife Preservation Fund**

Applications are being accepted for the Illinois Wildlife Preservation Fund Grant Program. Packets for Fiscal Year 2011 include a program explanation, instructions for completing the application form and an application form. The application packet can be found on the Department of Natural Resources website at <http://dnr.state.il.us/grants/index.htm>. The Wildlife Preservation Fund generates about \$220,000 per year in donations. The deadline for accepting applications is **April 1<sup>st</sup>**.

# **EXHIBIT C**



## ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

*One Natural Resources Way, Springfield, Illinois 62702 - 1271, (217) 785-8687; FAX (217) 785-2438*

### **Illinois Endangered Species Protection Board report for the January 26, 2010**

#### **Illinois Nature Preserves Commission meeting**

Submitted by Anne Mankowski, Director

**The Board held its 144<sup>th</sup> meeting on November 13, 2009 at Midewin National Tallgrass Prairie, Wilmington, Illinois. Board actions and other items from the meetings included:**

#### **1. 5-Year List Review ending in 2009**

Changes to the IL Administrative Rules 1010 (List of IL E&T Fauna) and 1050 (List of IL E&T Flora) became official on October 30, 2009. A PDF version of the very popular Board publication, a *Checklist of Illinois Endangered and Threatened Species* was posted on the Board's webpage. The document *Illinois Endangered and Threatened Species: Status and Distribution, 2009 Changes* is being developed now and will be posted to the Board's webpage upon completion.

#### **2. ESBP Member Appointments**

Appointments to all state Boards and Commissions are administered via the [Appointments.Illinois.gov](http://Appointments.Illinois.gov) website. Mr. Glen Kruse was appointed to the Board on December 23, 2009. Mr. Kruse's appointment replaces Dr. Chris Phillips. Dr. Jim Herkert resigned from the Board in November, 2009 to avoid conflict with his appointment as the Director of IDNR's Office of Resource Conservation, which began in December, 2009. At its 145<sup>th</sup> meeting, to be held February 19, 2010, the Board will make nomination for a new member to replace Dr. Herkert. The IDNR Director is a non-voting Board member, and Marc Miller recently appointed IDNR Assistant Director John Rogner as his designee on the Board. Including Dr. Herkert's vacancy, the Board currently has two vacant memberships, and four members serving on expired terms.

#### **3. ESPB Budget**

The Board has been without a budget since 2002. The current IDNR-funded contract with the Illinois Natural History Survey that only covers the personnel services expenses to employ the Board's Director has been renewed for FY10. At its 143<sup>rd</sup> meeting, the Board approved a FY11 Budget request that was subsequently sent to DNR Director Marc Miller. That request is for \$329,800 to reinstate the full staffing and performance of the Board by funding three staff (including operating expenses), reestablishing the Board's research program that currently relies solely on an annual allocation of \$25,000 from the Wildlife Preservation Fund, and reimbursing member expenses incurred in the performance of their duties.

#### **4. ESPB Research Program**

The Board administers a research program to answer questions regarding the listing, recovery, and conservation as it relates to those aspects, of Illinois' endangered and threatened species. Since the

Board has been without a budget since 2002 it has during that time relied solely on a \$25,000 annual allocation from the Illinois Wildlife Preservation Fund to administer the program. Due to concerns about budget shortfalls, the IDNR was not able to release the FY10 allocation to the Board, so the Board will not be contracting any FY10 projects.

#### **5. Illinois Fish and Wildlife Action Team**

Board staff represented the ESPB at the 9<sup>th</sup> IFWAT meeting held October 28, 2009. The agenda included a review of the recent national Action Plan Coordinators' meeting, Conservation Opportunity Areas project update, update of active SWG projects, Climate Change considerations for the WAP, and SWG funding for FY09 and FY10.

#### **6. Illinois DNR Natural Areas Evaluation Committee**

Board staff represented the ESPB at the 53<sup>rd</sup> NAEC meeting held November 3, 2009. The agenda included addition of five new mussel sites, one new seep, deletion of a site that had been heavily logged, and discussion of changes to Category II listings due to E&T status changes reflected in the October 30, 2009 List.

#### **7. ESPB Staff Coordination with IDNR and INPC**

Coordinated with the Endangered Species Program ORC, Division of Wildlife ORC, Impact Assessment Section OREP, Office of Land Management, Office of Law Enforcement, Office of Legal Counsel, Media Relations, and Illinois Nature Preserves Commission, on multiple matters, including:

- State Fair assistance including development of displays (ESPB General, Research, Bald Eagle Recovery Success Story).
- Met with ORC and INPC to discuss opportunities for improved communication and coordination.
- Provided a presentation with Joe Kath at an October 27, 2009 INPC staff meeting reviewing the ORC recovery planning process and INPC/ESPB/IDNR Plant Translocation Policy and ESPB Animal Translocation Policy.
- Provided comments on proposed amendments to the Illinois Incidental Take Authorization Ad Rule.
- Provided comments to the IDNR on 17 Incidental Take Authorization Conservation Plans.
- Assisted DNR, INPC, and USFWS in review and development of an initial USFWS/IDNR proposal for headstarting and translocation of Ornate Box Turtles (*Terrepepe ornata* – IL threatened) in JoDaviess and Carroll Counties.
- Met with IDNR ORC and OREP about USACE projects at Carlyle Lake and updating and revising the USACE/IDNR/USFWS Carlyle Lake Management Plan and IDNR review of grant programs to ensure compliance with the IESPA and *17 ILL ADM CODE CH. I, SEC. 1075, Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas*.
- Assisted IDNR and IDOT with review of unauthorized herbicide spraying at 12-mile Prairie INAI site, Marion, Fayette, Clay, and Effingham Counties, Illinois.
- Provided comments to IDNR about a status review of a conservation agreement between the USFWS and the states of Illinois, Indiana, and Kentucky, entitled *Copperbelly Water Snake (Nerodia erythrogaster neglecta) Conservation Agreement and Strategy, November 1996*.
- Working with IDNR in the development of recovery documents for the Barn Owl (*Tyto alba* – IL endangered) as part of a SWG project.

- Working with INPC and IDNR staff in the development of recovery documents for the Orange Fringed Orchid (*Platanthera ciliaris* – IL endangered).
- Fielded and referred 12 permit, data, and consultation calls and emails to respective programs at DNR; Endangered Species Program ORC; Natural Heritage Database ORC; Impact Assessment Section OREP.
- Directly responded to 35 requests for ESPB and E&T information from the public and other state and federal agencies.
- Conducted 3 media interviews – Medill News Media (Northwestern University), Kankakee Daily Journal, and Peoria Star Journal.

### **8. ESPB Staff Coordination with other Agencies**

- Drafted a letter (dated October 13, 2009) in response to public comment by Dr. Mike Dreslik received at the 143<sup>rd</sup> meeting of the Board, held August 14, 2009, addressed to the United States Army Corps of Engineers regarding proposed project specifications at Carlyle Lake and potential impacts upon Eastern Massasauga rattlesnakes there.
- Attended the 2009 USFWS Region 3 Threatened and Endangered Species Coordinators meeting in Camdenton, Missouri from October 6 – 9; next year’s meeting is in Indiana.
- Working with the invertebrate ESTAC and other experts to assist Jody Millar, USFWS Rock Island Field Office, in compiling status and distribution data for four invertebrate species that are currently being considered for candidate status: Bluff Vertigo (*Vertigo meramecensis*), Frigid Ambersnail (*Catinella gelida*), Minnesota Pleistocene Succineid (*Novisuccinea n. sp.minnesota a*), and Iowa Pleistocene Succineid (*Novisuccinea b*).
- Working with the USFWS Rock Island Field Office, IDNR, and several other partners in developing a Decurrent False Aster (*Boltonia decurrens* – federally and IL threatened) Conservation Agreement for Managed Lands in the Illinois River and Mississippi River Floodplains.
- Working Dr. Jeff Walk at the Nature Conservancy in the preparation of recovery documents for projects involving the Franklin’s Ground Squirrel (*Spermophilus franklinii* – IL threatened) and Eryngium Stem Borer (*Papaipema eryngii* – IL endangered).
- Provided to Dr. Deanna Glosser with the Illinois Natural Areas Update response to questionnaire about opportunities and constraints for developing and implementing an INAI Sustainable Natural Areas Plan.

### **9. Staff Field Work**

Assisted Natural Heritage Biologist, Mark Phipps with a 50-acre prescribed burn at Beaver Dam State Park in Macoupin County.

### **10. 145<sup>th</sup> meeting of the Illinois Endangered Species Protection Board**

The 145<sup>th</sup> meeting of the Illinois Endangered Species Protection Board will be at 10:00 A.M. on February 19 at Midewin National Tallgrass Prairie visitor’s center.

# **EXHIBIT D**



Illinois  
Nature  
Preserves

Commission

memorandum

To: Commissioners

From: Jenny Skufca, Randy Heidorn

Date: January 19, 2010

Subject: **Staff recommendation regarding Item 15 - a proposal submitted by Mr. Jerry Tice, acting on behalf of Gregory Johnson and Reta Power (the Evelyn L. Daniel Estate) for approval of a permanent non-exclusive 30-foot-wide easement for ingress and egress across Tomlin Timber Nature Preserve, Mason County.**

**Background:**

Tomlin Timber Nature Preserve (19.6 acres) was dedicated on August 20, 1987 as the 154<sup>th</sup> Illinois nature preserve for its 18.5-acre grade A sand forest dominated by black oak (*Quercus velutina*); at the time, Tomlin Timber was owned by Dr. Ramona T. Mattson. The Save the Prairie Society became the owners of Tomlin Timber in 1998. Tomlin Timber Nature Preserve lies in a sparsely populated area, so visitation and threats to the Nature Preserve have been minimal. The sand forest has suffered from insufficient fire management, death of many of the mature black oak trees, and lack of oak regeneration.

Prior to dedication in 1976, the Illinois Natural Areas Inventory (INAI #0191) noted the existence of an unpaved lane oriented roughly parallel to the southern boundary of the site, known then as Mattson Woods. The lane allows access from County Road 2650E to private properties west of Tomlin Timber. This lane was mentioned again in the dedication proposal as “a farm road [that] borders the south boundary [of Tomlin Timber]....” The lane was not excluded from the Nature Preserve dedication. Although no formal easement for ingress and egress across Tomlin Timber was ever drafted, the pre-existing use of the lane to access properties to the west has been tacitly acknowledged, and has continued to the present time. A narrow strip of woods, with mature black oak trees, lies between the lane and the actual southern boundary of the property.

**Proposal:**

In a letter to the Save the Prairie Society, dated September 29, 2009, attorney Jerry Tice, representing Gregory Johnson and Reta Power (the Evelyn L. Daniel Estate), owners of 160 acres of private land adjacent to the western boundary of Tomlin Timber Nature Preserve, asked the Save the Prairie Society for a 50-foot-wide easement for ingress and egress – which would include the lane across Tomlin Timber mentioned in the Nature Preserve dedication proposal. Mr. Tice indicated that such a width was deemed necessary for the access lane to accommodate large farm machinery. The letter indicated that without a 50-foot-wide easement for ingress and egress across Tomlin Timber, the 160 acres owned by the Daniel Estate would become landlocked. After further discussions, Illinois Nature Preserves Commission (INPC) staff suggested formalizing the pre-existing use with a 20-foot-wide easement centered on the existing farm lane (10 feet on either side of the existing lane’s centerline), allowing continued use and maintenance of the lane (see the **Analysis** section below for a discussion of the reason 20 feet was chosen). Such an arrangement may be viewed as a codification of conditions as they have been since prior to the Nature Preserve dedication, allowing for the easement of ingress and egress to become a recorded document at the Mason County Courthouse. The Daniel Estate responded to this suggestion by lowering their request from 50 feet to 30 feet (15 feet on either side of the existing lane’s centerline). The easement presented for approval is the 30-foot-wide easement centered on the existing farm lane.

**Other Considerations:**

An easement for ingress and egress that is 30 feet wide would be more than what has been acknowledged since the time of Nature Preserve dedication and would require clearing vegetation. In fact, a lane 30 feet wide, representing 4.5% of the total dedicated acreage, following the lane’s existing centerline would require removal of at least 15 mature black oak trees, which are important as a local source for oak regeneration. The Save the Prairie Society’s board of directors will not agree to an easement for ingress and egress wider than 20 feet (10 feet on either side of the existing lane’s centerline).

**Legal Authorities and Responsibilities:**

The Natural Areas Preservation Act (Act) states: “Nature Preserves are held in trust...for the benefit of the people of the State of present and future generations. Areas dedicated as nature preserves are hereby declared to be put to their highest, best and most important use for the public benefit. They shall be protected, managed and used in the manner provided by rules. They may not be taken under power of eminent domain or by other means for any other use except another public use and except upon approval of the Commission, the Governor and any public owner of a dedicated interest therein after a finding by the Commission of the existence of an imperative and unavoidable public necessity...” [525 ILCS 30/14]

The Act further states: “The dedication or registration of an area or any other action taken under this Act shall not void or replace any protective status under law which an area would have were it not a dedicated or registered area, the protective provisions of this Act being supplemental

thereto.” [525 ILCS 30/19]

**Analysis:**

For at least the last 60 years, according to an affidavit dated September 22, 2009, and signed by James M. Tomlin, nephew of the late Dr. Mattson, access to the 160 acres adjacent to the western boundary of Tomlin Timber has been accomplished by using an unpaved field road or lane located “along the south 20 feet more or less” of Tomlin Timber. The affidavit does not specifically mention the actual width of the lane. Recollections of INPC staff indicate that the condition of the lane has not changed at least since the mid-1990s. On December 22, 2009, it was determined that the heavily used portion of the lane (i.e., width of compacted tire tracks) was approximately 9 feet wide; adding marginal areas yielded a width of approximately 14 feet. A gate at the western end of this lane, just beyond the boundary of Tomlin Timber, measured 15 feet wide. From these measurements, established use of this lane has been limited to approximately 15 feet.

The adjacent landowner is requesting a 30-foot-wide easement through Tomlin Timber Nature Preserve. INPC staff has been able to document use of the farm lane since before its dedication, including mention of the lane in the dedication proposal. Therefore the INPC may recognize the documented existing use as a pre-existing use and document it as an easement allowing ingress and egress for adjacent real estate. Such an offer has been made in the form of providing the adjacent landowners with a 20-foot-wide easement to codify the pre-existing use. However the proposal as presented is for an expansion of the easement to 30 feet wide. Such an expansion of the use and codifying that in an easement would result in a taking of additional Nature Preserve land for a non-nature preserve use. Such an expanded use under the Act must be for a public purpose and there must be “an imperative and unavoidable public necessity.” Clearly, this proposal does not meet the criteria. Further, acceptance of this proposed easement could result in new uses (i.e. more houses, more traffic, increased use, upgrade to pavement, etc.) and further damage to the Nature Preserve.

Examination of aerial photographs showing lands surrounding Tomlin Timber suggests other options for gaining access for large farm machinery to the Daniel Estate’s 160 acres without requiring a 30-foot-wide easement across Tomlin Timber Nature Preserve.

**Staff Recommendation:**

A permanent easement for ingress and egress that is 30 feet wide would constitute an expansion far beyond what has existed since the time Tomlin Timber was dedicated as an Illinois nature preserve. INPC staff agrees with the landowner, Save the Prairie Society, that the existing easement should be codified and maintained, but not expanded. INPC staff recommends that the request for a permanent 30-foot-wide easement for ingress and egress be denied. It is also recommended that staff continue to facilitate the codification of the pre-existing use in the form of a 20-foot-wide easement consistent with the landowner’s wishes.

# **EXHIBIT E**



Illinois  
Nature  
Preserves  
Commission

memorandum

To: Commissioners

From: Jenny Skufca, Randy Heidorn

Date: January 19, 2010

Subject: Staff recommendation regarding Item 16 - a proposal submitted by Maurer - Stutz, Inc., acting on behalf of the City of Pekin, for approval to proceed with the Federal Highway Administration's *de minimus* impact finding process related to a culvert replacement on Sheridan Road at Dirksen-McNaughton Woods Land and Water Reserve, Tazewell County.

**Background:**

Dirksen-McNaughton Woods Land and Water Reserve was registered on September 24, 2003, as the 97<sup>th</sup> registered land and water reserve (INAI #1741). The Land and Water Reserve consists of three units: the Dirksen Park Unit (340 acres), the McNaughton North Unit (117 acres), and the McNaughton South Unit (371 acres). The 828-acre Land and Water Reserve, owned by the Pekin Park District, was registered to protect nearly 700 acres of second-growth forest that has supported a breeding bird community with 17 species sensitive to the effects of forest fragmentation. Since the site was registered, over 90 acres of former agricultural fields have been planted to trees to reduce forest fragmentation even further. The Pekin Park District maintains an extensive system of trails throughout the Land and Water Reserve for activities such as horseback riding, hiking, mountain biking, and cross country skiing. Sheridan Road passes through the southwestern corner of the Land and Water Reserve and over Lick Creek within an approximately 10-acre forested area that is part of the McNaughton South Unit.

**Proposal:**

The City of Pekin is seeking approval to proceed with the Federal Highway Administration's *de minimus* impact finding process related to the replacement of the existing triple-box culvert on Sheridan Road, which serves as a bridge over Lick Creek within a portion of the Dirksen-

McNaughton Woods Land and Water Reserve. The *de minimus* process is designed to streamline review of road projects that impact park lands, but have negligible impact on the reason a park was established. The Sheridan Road right-of-way was excluded from the Dirksen-McNaughton Woods Land and Water Reserve. The 25.3-foot-wide culvert within this right-of-way across Lick Creek must be replaced due to its age and deterioration. The proposed new structure will be 38 feet wide, including a 5-foot-wide sidewalk, which will allow hikers to avoid vehicles in the roadway. The present bridge does not have a sidewalk.

In order to replace the existing culvert approximately 0.06 acres outside of the current existing footprint will be impacted, including three trees greater than six inches in diameter at breast height and two sand bars (0.05 acres) in the Creek. The Illinois Natural History Survey determined the wetlands to be of low natural quality. None of the forest along Sheridan Road is considered high quality. Any desirable trees that may have to be removed will be mitigated. The impacted wetlands will be mitigated by banking from the LaGrange Wetland Bank at a ratio of 5.5 to 1. Staff of the Illinois Nature Preserves Commission (INPC) will monitor desirable trees that may be impacted prior to construction and, if necessary, make a list for mitigation. Control measures will be taken to protect Lick Creek from erosion and sedimentation during construction.

The City of Pekin will seek a permanent easement on the expanded road right-of-way for roadway maintenance. Additional impacts may develop as planning proceeds or may change due to the final dimensions of the permanent easements. These impacts will be evaluated by INPC staff with recommendations forthcoming to minimize impacts from this proposed project on the Land and Water Reserve. After a public meeting and gathering of comments, impacts will be clearly defined; final written approval of this project from the Pekin Park District, the Illinois Department of Natural Resources (IDNR), and INPC will be sought; and only then will the *de minimus* documentation be submitted to the Federal Highway Administration. The proposal before the INPC at this time is a request for procedural approval to proceed with the *de minimus* impact finding process, per Federal Highway Administration procedures.

**Other Considerations:**

To date, the highest management priority at Dirksen-McNaughton Woods Land and Water Reserve has been decreasing forest fragmentation to benefit bird species that require large contiguous tracts of forest (e.g., ovenbird [*Seiurus aurocapilla*]). An effort has been made to keep the footprint of the replacement structure within the footprint of the existing structure and road, but this has not been entirely possible. Even so, effects from this proposed project will be limited to narrow marginal areas adjacent to the existing footprint of Sheridan Road. For this reason, it may be concluded that this proposed project will not result in additional permanent forest fragmentation, although the area within the construction limits will certainly be disturbed.

**Legal Authorities and Responsibilities:**

According to Illinois Administrative Code for the Register of Land and Water Reserves “Before any agency or entity of State or local government may undertake an action that will disrupt natural

vegetation or natural communities on a registered area, there must be a finding by the Commission at a meeting and by the Department that the action is in the public interest.” [17 Ill. Adm. Code 4010.310(b)]

This is the legal authority under which the INPC could approve the culvert replacement. At this time, however, the City of Pekin is not proposing to undertake any action on Dirksen-McNaughton Woods Land and Water Reserve, but is merely asking for our agreement to proceed to the next step of the *de minimus* process.

The request before the Commission is a requirement under the Federal Highway Administration’s process for making a *de minimus* impact finding. The Department of Transportation Act of 1966, Section 4(f) requires a determination that certain uses of land will have no adverse effect on a protected resource. The *de minimus* impact finding process includes the following steps identified in the proposal submitted by Maurer-Stutz, Inc.; 1) verbal concurrence by officials with jurisdiction over the resource, 2) public meeting, 3) gather comments, 4) obtain written concurrence by officials with jurisdiction over resource. The Federal Highway Administration Division Administrator makes the *de minimus* impact finding based on concurrence of the officials with jurisdiction and shall consider any impact avoidance, minimization, and mitigation measures included in the project to address adverse effects on the resource.

**Analysis:**

The INPC learned of the proposed culvert/bridge project and submitted correspondence to Mr. Joseph Weullner, Public Works Director of the City of Pekin, on September 11, 2008. The letter notified him of the legal protection in place for Dirksen-McNaughton Woods Land and Water Reserve. The INPC recommended all attempts be made to remain within the current footprint or to remove the road and bridge crossing from the Land and Water Reserve. No reply was received. The project was submitted to IDNR Consultation by the Illinois Department of Transportation (IDOT) on April 10, 2009. Consultation staff has requested more information from IDOT and has not terminated their assessment of the project. Wetland delineations were completed by the Illinois Natural History Survey on behalf of IDOT on July 27, 2009. The INPC became aware that the project was proceeding on November 16, 2009, when INPC staff was contacted by George Merkel of Maurer-Stutz, Inc. to request verbal approval to proceed with the *de minimus* impact finding process.

The *de minimus* process requires only verbal concurrence at this point. It was believed by INPC staff that there would be value in Maurer-Stutz, Inc., on behalf of the City of Pekin, providing a written proposal for review and to formally clarify that the INPC’s concurrence does not constitute approval of the proposed project. Staff of the INPC believed that this initial step in the *de minimus* process would similarly require formal INPC approval as staff has no current delegated authority for this process.

The staff of INPC considers alternative analyses for the proposed culvert project to be incomplete. Options could include the current proposal as it stands, staying within footprint, closing / moving the road entirely, removing the sidewalk from the proposed plan to decrease the area needed outside of

the current footprint, etc. The staff also believes that mitigation of the natural area is not evident. Some benefit to the Dirksen-McNaughton Woods Land and Water Reserve should be realized for the loss of registered lands. Mitigation of trees removed and wetland banking at another location are not sufficient when compared to other INPC site mitigation strategies. In a similar request, a permanent easement was granted to IDOT by the IDNR and INPC for a road improvement project at Cecil White Prairie Land and Water Reserve in 2006. As part of that approval, IDOT agreed to convey 0.34 acres of land to the IDNR, paid \$15,000 to the Illinois Wildlife Preservation Fund, seeded the right-of-way with native prairie seed mix of local genotypes, and installed a culvert for use as a wildlife crossing. Consideration should be given beyond the limited tree and wetland mitigation to some reciprocation in the amount of land impacted. Natural area preservation is as important as public roadway convenience. The INPC should only agree to a *de minimus* impact finding if the proposal is in the public interest and the needs of Dirksen-McNaughton Woods Land and Water Reserve and the Nature Preserve System are met.

Replacement of the deteriorating culvert on Sheridan Road at Lick Creek may well be necessary to ensure continued safety of the public. Equally important is the continued effort in the design of this project to keep the construction footprint within the existing right-of-way or fully mitigate the project impacts. These considerations can then ensure that effects on the Dirksen-McNaughton Woods Land and Water Reserve from project implementation are *de minimus* in nature.

**Staff Recommendation:**

The INPC staff recommends approval for the City of Pekin to proceed with the Federal Highway Administration's process for making a *de minimus* impact finding and to proceed to the next steps (holding a public meeting and gathering comments). No approval of either the project or any easements should be conferred at this time. Staff should continue to facilitate the consideration of alternatives for this project and for appropriate mitigation.