

**Illinois
Endangered
Species
Protection
Board**

BIENNIAL REPORT

JULY 2012-JUNE 2014

ENDANGERED SPECIES PROTECTION BOARD AS OF JUNE 30, 2014

Members:

R. Dan Gooch, Chair
John A. Clemetsen, Secretary
Lenore Beyer-Clow
Dr. Joyce Hofmann
Susanne Masi
Jim Robinett
Laurel Ross
Dr. Jeffery Walk
One member vacancy
Dr. Jim Herkert, designee for DNR Director Marc Miller

Staff:

Anne Mankowski, Executive Director
Listing and Recovery Coordinator – Animals, vacant
Listing and Recovery Coordinator – Plants, vacant
Data Manager, vacant
Executive Secretary, vacant

PREFACE

The Illinois Endangered Species Protection Act, originally enacted in August of 1972 and revised in July of 1986 and January of 2000, requires that the Endangered Species Protection Board prepare and make available a report of its accomplishments biennially. The first report was prepared and made available for the period of July 1986 to June 1988. Biennial reports were not prepared for the biennia ending in 1990, 1992, 1994, 1996, 1998, and 2000. A second report was prepared by volunteer Board members and made available for the period of July 2000 – June 2002 and included a recap of highlights of the previously omitted biennia. In July 2002, the Board's budget was reduced and subsequently eliminated due to funding shortages within the state and as a result, Board staff was laid off. During the period from 2002 - 2008, the unpaid volunteer Board had only part-time or no staff. Beginning in November 2008, a full-time Executive Director was hired via temporary contract funded by the Illinois Department of Natural Resources. In the spring of 2009, the Executive Director completed a report for the period of July 2006 – June 2008 and including recapping highlights for previously omitted biennia ending in 2004 and 2006. The reports for the periods of July 2008 - June 2010 and July 2010 – June 2012 were completed by staff in August of 2010 and 2012, respectively. This current report presents details for the subject biennium of July 2012 – June 2014.

CURRENT STATUTORY MANDATES AND RESPONSIBILITIES INVOLVING THE ENDANGERED SPECIES PROTECTION BOARD

That the Endangered Species Protection Board (Board/ESPB) exist (520 ILCS 10/6)

That the Board maintain and update the List of Illinois Endangered and Threatened Species (Illinois List) as warranted and no less often than every 5 years (520 ILCS 10/7)

That the Board hold a public hearing when making revisions to the Illinois List (520 ILCS 10/7);

That the Board advise the Illinois Department of Natural Resources (Department/DNR) on methods of assistance, protection, conservation and management of endangered and threatened species and their habitats, and on related matters (520 ILCS 10/6);

That the Department seek the advice of the Board as it plans and implements a program for the conservation of endangered and threatened species (520 ILCS 10/11);

That the Board hold meetings no less often than quarterly (520 ILCS 10/6);

That the Board produce a report of accomplishments, biennially (520 ILCS 10/6);

That the Department shall consult with and gain written approval from the Board when promulgating rules for the issuance and maintenance of endangered and threatened species permits (520 ILCS 10/4); and,

That the Department seek the advice of the Board and provide written response to any Board comments regarding the issuance and terms of authorization for incidental taking of endangered and threatened species (17 Ill. Adm. Code 1080.40 a7))

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

BIENNIAL REPORT

JULY 2012 – JUNE 2014

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ENDANGERED SPECIES PROTECTION IN ILLINOIS

Historical Background

Introduction

The Illinois Endangered Species Protection Act was passed by the Illinois General Assembly in 1972. Shortly before the Act was to become effective on January 1, 1973, it became apparent that additional time was needed to prepare for its administration. Consequently, implementation was delayed until April 30, 1973, through an Executive Order signed by Governor Ogilvie, to allow time for appointment of members to the Endangered Species Protection Board and development of fiscal and operating procedures for administration of the Act. Despite the delay, this protective legislation for endangered species in Illinois predates the federal Endangered Species Act, which was passed by Congress in 1973. The timing of the Illinois legislation is an indication that our state was in the forefront of those concerned by the continued loss of species from our landscape.

The Endangered Species Protection Board

Though its provisions were limited, the original Illinois Endangered Species Protection Act did establish the Endangered Species Protection Board, giving it authority to list animal species as endangered, and making it illegal to possess or sell endangered animals or their products. At first, the Board spent much of its time regulating circuses, zoos, and animal products such as alligator shoes and leopard skin coats. Indeed, because much of the interest in species decline was focused on the harvest of exotic furbearers, the Act originally required that three of the nine-member, Governor-appointed Board be representatives of the fur industry. The remaining six members were to be naturalists. More recently, 1986 amendments to the Act specified that the six naturalist positions on the Board are to

include two zoologists, two ecologists, and one botanist, while the background and interests of the remaining three members is no longer specified. The redefined composition of the Board is a reflection of the changing emphasis of endangered species programs, and ensures a high degree of professionalism within the Board.

Another indication of the professional nature of the Board is its interaction with Illinois scientists who are experts on various taxonomic groups of plants and animals and who volunteer to assist the Board as consultants in the review of the Illinois List and in providing recommendations for areas or species requiring additional research or data collection.

The Board was originally required to convene only once a year, but today is required to meet quarterly. These meetings are open to the public and were historically held in different locations around the state. Beginning in 2010, the Board elected to hold all meetings at one location central to its members in order to reduce travel costs.

In July 2002, the Board's budget was reduced and subsequently eliminated due to funding shortages within the state and as a result, Board staff were laid off. From the late fall of 2003 through the fall of 2007, the DNR provided funding for a part-time contractually employed ESPB Program Manager. Beginning in the winter of 2008, the DNR provided funding for a full-time contractually employed ESPB Executive Director. A budget line for the Board was reinstated into the DNR's budget beginning with FY2011 and the Board directly hired its own Executive Director in the spring of 2011. The Board has been unsuccessful in its attempts to hire staff to fill the four other ESPB staff positions.

Board Members and Staff since the Board's Inception:

Appointed Board members

Dr. William Beecher	1973 – 1974	
Dr. Lester Fisher	1973 – 1974	(Chair 1973-1974)
Daniel Navid	1973 – 1975	
Robert Herbin	1973 – 1976	
Dr. John Warnock	1973 – 1976	
James Phelps	1973 – 1978	
Richard Wagner	1973 – 1981	
Dr. Willard Klimstra	1973 – 1987	(Vice Chair 1978-1987)
Joseph Poppie	1973 – 1991	(Chair 1977-1991)
Dr. Richard Andrews	1976 – 1978	
Ann Broman Fisher	1976 – 1993	
Ray Pawley	1976 – 1993	
Dr. William Southern	1976 – 1993	(Secretary 1978-1993)
Dr. William Schwab	1978 – 1982	
Curtis Mason	1978 – 1988	
Dr. Johanna Clausen	1979 – 1987	
Irwin Ware	1982 – 1985	
Dr. Larry Jahn	1982 – 2001	(Vice Chair 1993-1996, Chair 1996-2001)
Jon Ellis	1985 – 1996	(Vice Chair 1987-1991, Chair 1991-1996)
Dr. Alan Woolf	1988 – 1996	
Darlene Fisk	1988 – 2002	
Dr. John Ebinger	1988 – 2008	(Vice Chair 2001-2008)
Judy Dolan Mendelson	1988 – 2005	
Dr. Ed Moll	1993 – 1999	
Dr. Scott Robinson	1993 – 1999	
R. Dan Gooch	1993 –	(Vice Chair 1996-2001, Chair 2001-present)
Mike Beebe	1996 – 1999	
John Clemetsen	1996 –	(Secretary 2001-2006, 2010-present)
Dr. Richard Anderson	2002 – 2004	
Marilyn Campbell	2002 – 2010	(Vice Chair 2008-2010)
Dr. James R. Herkert	2002 – 2009	
Susanne Masi	2002 –	
Dr. Chris Phillips	2002 – 2009	(Secretary 2006-2009)
Dr. Tom Nelson	2005 – 2008	
Dr. Mike Retzer	2005 – 2011	
Dr. John Taft	2008 – 2014	
Glen Kruse	2009 – 2013	(Vice Chair 2011- 2013)
Dr. Joyce Hofmann	2010 –	
Dr. Jeffery Walk	2010 –	
Laurel Ross	2010 –	
James Robinett	2013 –	
Lenore Beyer-Clow	2014 –	

IDNR Directors – ex-officio members (their designees)

Henry N. Barkhausen	1973 – 1973	
Anthony T. Dean	1973 – 1976	
David Kenney	1977 – 1984	
Mark Frech	1987 – 1991	
G. Brent Manning	1991 – 2003	(Deputy Director Jim Garner)
Joel Brunsvold	2003 – 2005	(Deputy Director Leslie Sgro)
Sam Flood (Acting)	2005 – 2009	(Deputy Director Leslie Sgro)
Marc Miller	2009 -	(Assistant Director John Rogner, Office of Resource Conservation Dir. Jim Herkert)

Board staff:

Carl Becker, Endangered Species Coordinator	1978 - 1980
Mike Sweet, Endangered Species Coordinator	1981 - 1985
Sue Lauzon, Program Coordinator/Executive Director	1985 - 2002
Glen Kruse, Project Manager	1986 - 1990
Sherrie Elzinga, Office Coordinator	1986 - 1991
Dr. James R. Herkert, Listing Coordinator	1991 - 2001
Janet Boyer, Part-time Secretary	1994 - 2006
Tammie McKay, Part-time Administrative Assistant	2002 - 2003
Randy Njboer, Contract Part-time Program Manager	2003 - 2007
Anne Mankowski, Executive Director	2008 -

Interactions with the Department of Conservation/Natural Resources

Initially, though the Illinois Endangered Species Protection Act authorized the Board to hire necessary staff, the Board instead utilized a staff liaison within the Illinois Department of Conservation (DOC), who was responsible for all non-game and endangered species matters for DOC. The Board hired its first Program Coordinator in 1978, and until 1986 relied on this one staff member to administer its entire program.

As the state's endangered species program expanded, its focus shifted to native Illinois species, and the Board's staff conducted or assisted in species surveys and research, environmental assessments, management recommendations, interagency agreements, and public education. By the time the Board expanded its staff to include a Project Manager in 1986, the DOC had also expanded its functions to include a Division of Natural Heritage responsible for non-game wildlife, endangered species, natural areas, and nature preserves. While the Natural Heritage Division conducted many endangered species projects and management activities, DOC still lacked a specific endangered species program, and continued to rely on the Board and its staff for a number of endangered species matters.

In 1995 the DOC was reorganized and expanded into the Department of Natural Resources (DNR). A Division of Natural Heritage was retained, but the consultation program for projects affecting endangered

and threatened species and natural areas was moved into a new Division of Natural Resource Review and Coordination. There have been additional program changes and realignments within the DNR since 1995 and throughout those changes the Board has appreciated the continued cooperation and assistance of the DNR and its employees.

Evolution of the Illinois Endangered Species Protection Act

Illinois has come a long way in its ability to protect our endangered resources since the passage of the Endangered Species Protection Act in 1972. From the early recognition of the need to determine which species were in trouble, we have progressed in our ability to actually provide protection for those species.

The original version of the Act protected animals but not plants, and only established one category of rarity: that of "Endangered". In 1977, amendments to the Act added a "Threatened" category and included plants as well as animals, but still left the Act lacking in many respects. There were no prohibitions regarding threatened animals as there were for those classified as endangered, and plants were protected in no way at all – they were simply enumerated as threatened or endangered.

More comprehensive revisions to the Endangered Species Protection Act were passed in 1985 and went into effect in 1986, giving much clearer protections for endangered species and their habitats than

we had previously seen. Indeed, Illinois was among the first states to attempt to protect endangered species' habitats through legislation.

The 1986 amendments provided equal protection for threatened animals as those mandated for endangered animal species. The term "animal" was specifically defined to include both vertebrate and invertebrate animal species. Some protection was added for listed plants, prohibiting certain actions which involved the taking, transporting, or selling of those species. For the first time, a regularly scheduled review and revision of the Illinois Lists of Endangered and Threatened Species was required (every 5 years), ensuring that those lists are kept up-to-date with the actual status of those species in the wild.

A significant amendment from 1986 stresses the commitment of agencies of state and local government in Illinois to the protection of endangered species. This policy of supporting the purposes of the Act is accomplished by evaluating, through a process of consultation with the DNR, whether actions authorized, funded, or carried out by those agencies "are likely to jeopardize the continued existence of Illinois listed endangered and threatened species or are likely to result in the destruction or adverse modification of the designated essential habitat of such species...."

In 2000, the Act was further amended, resulting in the current Act (copy appended), by the addition of provisions for authorization by the DNR of incidental taking of Illinois listed endangered and threatened species under prescribed terms and conditions. The amendment stipulates that the taking must be incidental to, and not the purpose of, the carrying out of an otherwise lawful activity and requires that applicants submit a conservation plan to the DNR. The Illinois Administrative Rule that outlines the regulations for incidental taking authorization by the DNR requires that the DNR seek the advice of the Board and

provide written response to any Board comments regarding the issuance of authorization for incidental taking and on the terms of any authorization to be issued.

Why Do We Protect Endangered and Threatened Species?

Those who work with endangered species often hear questions and comments such as "Why do we spend our money to protect these plants and animals?" or "Who cares about most of these species? They aren't good for anything." or "So what if a fish disappears from the Mississippi River? Most people will never see one anyway."

There are many good reasons to protect all species of plants and animals. Special attention is given to those that have become very rare in order to prevent their complete elimination from our environment. The reasons we put forth a large effort to protect these species range from practical to spiritual and from utilitarian to aesthetic. Each person interested in the preservation of plants and animals has his or her own reasons, but some of the more widely expressed motivations include:

- 1) Any species of plant or animal may someday provide a product or service that is valuable to humans. We cannot predict what food, fibers, chemicals, or other products can be obtained from "wild" plants and animals in the future. The loss of species may eliminate potential human benefits.
- 2) Plants or animals can serve as early indicators of environmental problems that are potentially dangerous to humans. The variable sensitivity of different species to contaminants allows them to act as environmental monitors, alerting us to the fact that something is wrong in our world.
- 3) Every plant or animal species contributes to the stability of the ecosystem of which it is a part. This ecological concept is often compared to a house of cards. A house with

many components is much more difficult to disrupt than one having a few basic elements. There is also a complex network of relationships among the parts. No plant or animal exists independently of all others. The loss of ANY species has effects on the other species that have evolved along with it.

4) Each species is the result of untold ages of evolution and has a right to continue to exist. Many people feel that it is morally wrong for humans to be the cause of the extinction of a species or to allow a species

to disappear if human intervention could save it.

5) The loss of any plant or animal species diminishes the natural beauty of the earth. The existence and interaction of diverse life forms brings pleasure to those who take time to observe the species around them.

Whatever your reasons, we believe you will agree that the protection of endangered and threatened species in Illinois is an important and necessary task into the future.

REPORT OF THE BIENNIUM

Introduction

Since 2002 when the Board's budget line was reduced and then later eliminated, the Board has had staffing at no more than 25% of the pre-2002 level and at no more than 20% of a currently identified full staffing level. The Board's budget line was reinstated into the DNR's budget beginning in FY2011, but the Board has been unsuccessful in its attempts to gain headcount and/or hire additional staff contractually since that time. During the subject biennium, the Board remained challenged in performing its duties with only a single staff person, its Executive Director, who worked 1,278 hours of overtime (or 137% of fulltime) in order to complete the work reported here. Each section below reports accomplishments during the biennium and work not accomplished during the biennium due to ongoing understaffing.

BOARD MEETINGS

Meeting Dates and Locations for Meetings from the Biennium		
<u>Meeting #</u>	<u>Date</u>	<u>Location</u>
155 th	08/10/2012	Midewin National Tallgrass Prairie, Wilmington, Illinois
156 th	11/09/2012	Midewin National Tallgrass Prairie, Wilmington, Illinois
157 th	02/08/2013	Midewin National Tallgrass Prairie, Wilmington, Illinois
158 th	05/17/2013	Midewin National Tallgrass Prairie, Wilmington, Illinois
159 th	08/16/2013	Midewin National Tallgrass Prairie, Wilmington, Illinois
Special Mtg	10/11/2013	Forest Preserve District of Will County, Joliet, Illinois
160 th	11/15/2013	Midewin National Tallgrass Prairie, Wilmington, Illinois
Special Mtg	02/20/2014	Midewin National Tallgrass Prairie, Wilmington, Illinois
161 st	02/21/2014	Midewin National Tallgrass Prairie, Wilmington, Illinois
162 nd	05/16/2014	Helen Matthes Public Library, Effingham, Illinois

Accomplishments during the Biennium

During the biennium, regular meetings were called eight times and a quorum was present at all meetings. Officially, the Board held its 155th through its 162nd quarterly meetings during the biennium. The Board also held two special meetings during the biennium; one in 2013 to review and develop comments on DNR proposed amendments to *Title 17 Ill. Admin. Code Part 1075 Consultation Procedures for Assessing Impacts of Agency Action on Endangered and Threatened Species and Natural Areas*, and one in 2014 to discuss several business items including proposed updates to the ESPB Policy Manual and to review and approve multiple recovery planning documents for listed species.

Historically, the Board varied the location of its meetings around the state to afford better accessibility to the public. From 2010 – 2013 in an effort to reduce travel costs, the Board elected to hold all of its annual meetings at a single location that was geographically central to its members. In 2014, the Board began again holding some meetings at different locations to afford better accessibility to the public.

Work not accomplished during the Biennium due to ongoing understaffing

The Board was unable to hold additional meetings in order to complete the 5-year review and revision of the *Illinois List of Endangered and Threatened Species* prior to the end of the 5-year period (CY2014).

The Board was unable to conduct annual Board self evaluations in 2013 or 2014 as prescribed by Board policy.

The Board was unable to conduct once during the biennium its prescribed review and evaluation of performance toward the Board's strategic plan.

The Board was unable to conduct annual reviews of prioritized species surveys and research necessary to inform listing decisions.

The Board was unable to prepare expanded meeting agendas that include a narrative description of the item and proposed action in order to provide better information to the public.

REVISIONS OF THE ILLINOIS LISTS OF ENDANGERED AND THREATENED SPECIES

On July 1, 1986, amendments to the Endangered Species Protection Act, which were passed in 1985, went into effect and among these was a provision requiring that the Endangered Species Protection Board review and revise the Illinois Lists of Endangered and Threatened Plants and Animals at least every five years. The Illinois Lists are promulgated as two separate Administrative Rules, one for the list of endangered and threatened animals and one for the list of endangered and threatened plants. The immediately following description explains the history of development and revision for each list; throughout the rest of the document, these lists are described as one *Illinois List of Endangered and Threatened Species* (Illinois List).

The first of these lists in Illinois was adopted in 1977 for animals and 1980 for plants and since that time, invertebrate animal species were also added. A full review of the lists was undertaken during the July 1st, 1986 through June 30th, 1988 biennium. This

included both a review of species that were already listed as threatened or endangered, and evaluation of additional species to determine if they should be added to the Illinois lists as threatened or endangered.

Following required public hearings, the Board, at its May 20th, 1988 meeting adopted changes to the plant and animal lists. They became law on March 14, 1989. Subsequent five-year re-listings were initiated in 1993, 1997, 2002, and 2007 and from those efforts the plant revisions became official on January 18, 1994, December 3, 1998, September 1, 2004, and October 30, 2009, respectively, and the animal revisions, January 18, 1994, April 26, 1999, September 1, 2004, and October 30, 2009, respectively.

Subsequent to the 2009 revision, several editorial corrections were made to the animal List in 2010 and one federally endangered animal species (Northern Riffleshell, *Epioblasma rangiana*) was automatically added to the Illinois List in 2011 following reintroduction into Illinois.

Accomplishments during the Biennium

According to the standing schedule of 5-year reviews and revisions of the Illinois List, the next required five-year review and revision was expected to be completed by the end of FY2014. The review of the Illinois List was begun in 2012 with Board staff preparing individual species reviews for each of the 484 species currently on the Illinois List and providing review and comment on listing proposals for approximately 10 additional species. The Board engaged assistance from over 40 volunteer technical experts who provided evidence and review and comments on staff listing status recommendations and in some cases participated in meeting discussion. Information about the Illinois List review process was posted to the Board's website to better inform the public and gain additional evidence and input. Species were reviewed by taxonomic group during the course of

eight Board meetings from May 2012 – February 2014. The Board confirmed preliminary listing decisions in February 2014 and held a public hearing in June 2014.

Work not accomplished during the Biennium due to ongoing understaffing

The Board did not have staff necessary to conduct more than a coarse review of the history of status and distribution data available for each known occurrence of each of the 484 currently listed species and additional species under consideration for listing.

The Board did not have staff necessary to conduct a literature and museum collection review for additional occurrence information for each of the 484 currently listed species and additional species under consideration for listing.

The Board did not have staff necessary to conduct a literature review for information about the biology, habitat, habits, and current threats and stresses for each of the 484 currently listed species and additional species under consideration for listing.

The Board did not have staff necessary to prepare detailed species-specific review documents for each of the 484 currently listed species and additional species under consideration for listing that provide full information and explanation of review elements and evaluation for easier user reference; rather, a fair amount of explanation and evaluation took place during Board meetings and were reflected in meeting minutes.

The Board did not have staff necessary to hold additional meetings and produce proposed Administrative Rule amendment documents in the timeframe necessary to complete the Illinois List review and revision before the end of the required 5-year period, or the end of CY2014.

RESEARCH AND SURVEYS

An important effort of the Endangered Species Protection Board is to gather information that will improve our knowledge of various species in Illinois and inform listing decisions for those species. When the Board has funding, it allocates a portion of its budget toward research projects and the Board is also annually awarded funding from the Wildlife Preservation Fund (WPF) that has also been used to contract research projects. The WPF is funded by Illinois taxpayers through contributions from their State income tax return and provides a means to address the survival of Illinois' native plants and animals. Additionally, when the Board has had staff, those staff have also administered, conducted and/or participated in research projects.

In 2012 the Board approved a list of research and strategic priorities intended to inform listing decisions that included five major areas of focus: 1) Species surveys to update Natural Heritage (Biotics) Database element occurrence information of the nearly 5,000 known endangered and threatened species occurrences in the state, about 1/3 of which have not been surveyed in at least 10 years; 2) Development of species recovery planning documents; 3) Development of species listing status review trigger documents; 4) Establishment of ecotoxicological thresholds for aquatic species; and, 5) Development of a climate change vulnerability assessment for the 2014 Illinois List review and revision.

Funded Research Projects

Accomplishments during the Biennium

The research projects listed below were contracted during the previous biennium, but not completed during the proposed timeframe, so they were concluded and final reports received by the Board during the current biennium.

*Investigating the role of genetic diversity and pollination biology as potential causes for reproductive failure in *Asclepias lanuginosa* (wooly milkweed)* by Jeremie Fant and David Zaya (Chicago Botanic Garden and University of Illinois, Chicago). This was a one-year project funded at \$7,632 that was contracted during the previous biennium, but was not completed during the proposed timeframe. A single-year no-cost extension was awarded the vendor and the project was completed during the current biennium.

*Gene Flow among Populations of the Four-Toed Salamander, *Hemidactylium scutatum** by Abigail Maley (Illinois Natural History Survey (INHS), University of Illinois, Urbana-Champaign (UIUC)). This was a one-year project funded at \$5,000 that was contracted during the previous biennium, but was not completed during the proposed timeframe. A single-year no-cost extension was awarded the vendor and the project was completed during the current biennium.

*Baseline monitoring and molecular characterization of the state endangered Enigmatic Cavesnail, *Fontigens antroecetes* (Hubricht 1940)* by Steven Taylor, Marlis Douglas, Jeremy Tiemann (INHS UIUC) and Robert Weck. This was a one-year project funded at \$2,878 that was contracted during the previous biennium, but was not completed during the proposed timeframe. A single-year no-cost extension was awarded the vendor and the project was completed during the current biennium.

Work not accomplished during the Biennium due to ongoing understaffing

The Board did not have staff necessary to develop and administer contracts for any new endangered and threatened species research projects intended to inform listing decisions.

Research Projects Administered by the Board

Accomplishments during the Biennium

None

Work not accomplished during the Biennium due to ongoing understaffing

The Board did not have staff necessary to perform or administer any additional endangered and threatened species research projects intended to inform listing decisions.

Surveys

Accomplishments during the Biennium

Staff conducted surveys for the following species: *Berberis canadensis* (Allegheny Barberry) in Jackson and Tazewell Counties; *Melanthium virginicum* (Bunchflower) in Morgan and Sangamon Counties; and, Barn Owl (*Tyto alba*) and Least Tern (*Sternula antillarum*) in DNR Region 5.

Staff conducted annual surveys in both 2013 and 2014 of an U.S. Geological Survey Breeding Bird Survey route in central Illinois.

Work not accomplished during the Biennium due to ongoing understaffing

Staff was unable to conduct species surveys to update information for the nearly 1,400 Natural Heritage (Biotics) Database element occurrences that have not been visited in at least 10 years.

OTHER BOARD ACTIVITIES

Much of the other work of the Board during the biennium falls under the Board's mandate to advise the DNR on methods of conserving threatened and endangered species and related matters.

Accomplishments during the Biennium

The Board provided to DNR Legal Counsel comments on DNR Office of Grant Administration proposed Administrative Rule 17 Ill. Admin. Code, Subchapter G: Grants, Part 3090, Recreational Trails Program.

The Board held a special meeting to review DNR Office of Realty and Environmental Planning (OREP) proposed amendments to the Title 17 Ill. Admin. Code Part 1075 Consultation Procedures for Assessing Impacts of Agency Action on Endangered and Threatened Species and Natural Areas and to review its nexus and crosswalk to 520 ILCS 10/ Illinois Endangered Species Protection Act, Title 17 Ill. Admin. Code Part 1070 Possession of Specimens or Products of Endangered or Threatened Species, and Title 17 Ill. Admin. Code Part 1080 Incidental Taking of Endangered or Threatened Species. Staff prepared Board comments from the meeting and they were submitted to DNR OREP and Legal Counsel.

The Board provided to DNR Legal Counsel and Office of Resource Conservation (ORC) comments on draft proposed amendments to Title 17 Ill. Admin. Code Part 1070 Possession of Specimens or Products of Endangered or Threatened Species to add provisions for permitting translocations of listed species.

The Board provided to DNR advice for establishing some formal means by which DNR staff would be reminded and refreshed at a regular interval on the regulations and procedures for endangered and threatened species consultation and overall DNR environmental review.

Work not accomplished during the Biennium due to ongoing understaffing

The Board was unable to review and provide comments on the proposed SB 1715 Illinois Hydraulic Fracturing Regulatory Act.

The Board was unable to review and provide comments on the proposed 62 Ill. Adm. Code 245 Hydraulic Fracturing Regulatory Act or 62 Ill. Adm. Code 240 The Oil and Gas Act.

The Board was unable to review and provide comments on the proposed SB 3049 that made amendments to 520 ILCS 5/ Wildlife Code regarding take of black bear, cougar, and grey wolf.

The Board was unable to review and provide comments on DNR proposed amendments to the DNR Comprehensive Environmental Review Process.

The Board was unable to review and develop recommendations from the findings of the Board's 2012 publication entitled Illinois Endangered Species Protection Act at 40: a Review of the Act's Provisions and the Illinois List of Endangered and Threatened Species.

The Board was unable to conduct follow up on questions raised from review of Natural Heritage (Biotics) Database data during the 5-year Illinois List review about the amount of and protocol for permitting listed species vouchering, especially of aquatic species.

The Board was unable to conduct follow up on questions raised from review of Natural Heritage (Biotics) Database data during the 5-year Illinois List review about protocol for permitting and outcome monitoring and reporting for translocations of listed species.

The Board was unable to conduct once during the biennium its prescribed review and evaluation of performance toward the Board's strategic plan.

The Board was unable to conduct annual reviews of prioritized species surveys and research necessary to inform listing decision.

STAFF ACTIVITIES

The Board's staff, housed within the DNR, oversees the Board's budget, prepares agendas and materials for Board meetings and hearings, represents the Board at meetings, events, hearings, etc., prepares species review information and other materials and coordinates the List review process, and works closely with the DNR's field and program staff, as well as the Illinois Nature Preserves Commission (INPC), on matters relating to endangered species in Illinois. Board staff reviews proposed state and federal legislation associated with endangered species. Staff also coordinates and works closely with the U.S. Fish and Wildlife Service regarding endangered species, as well as other state and federal agencies.

It should be noted that a great proportion of staff time is spent on several routine activities including gathering, organizing, and reviewing existing data on each of the listed and otherwise rare species within the state, communicating with the many other agencies and organizations that deal with endangered species or habitat management, developing strategic and regular management plans, writing operational reports, and dealing with everyday office and administrative issues.

Recovery Activities

Accomplishments during the Biennium

Staff coordinated and held several meetings of a Blanding's Turtle recovery team in an effort to develop an *Illinois Blanding's Turtle (Emydoidea blandingii) Recovery Plan*. A conservation assessment for the species, rather than a recovery plan, was produced from the effort. The conservation assessment was not fully approved by the Board or DNR.

Staff, in conjunction with a DNR Division of Natural Heritage District Biologist, continued implementation of activities

prescribed in the *Illinois Barn Owl (Tyto alba) Recovery Plan*.

Staff attended as a member of the Illinois Prairie Chicken recovery team planning meetings for multiyear translocation and habitat management activities as prescribed in the *Illinois Prairie Chicken (Tympanuchus cupido) Recovery Plan*.

Board staff, in partnership with staff from DNR and The Nature Conservancy in Illinois, prepared the following recovery documents:

Illinois Barn Owl (Tyto alba) Recovery Plan – Year 3 (2013) Review of Accomplishments. 2013. Illinois Endangered Species Protection Board and Illinois Department of Natural Resources. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html>.

Recovery Outline with Status Review Triggers for the Illinois Endangered Eryngium Stem Borer (Papaipema eryngii). 2014. Illinois Endangered Species Protection Board and Illinois Department of Natural Resources. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html>.

Board staff, in partnership with staff from the Illinois Nature Preserves Commission, prepared the following recovery planning documents:

Recovery Outline with Status Review Triggers for the Illinois Endangered Carex alata (Broad-winged Sedge). 2013. Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html>.

Recovery Outline with Status Review Triggers for the Illinois Endangered Clematis viorna (Leatherflower). 2013.

Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Recovery Outline with Status Review Triggers for the Illinois Endangered Heteranthera reniformis (Mud-plantain). 2013. Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Recovery Outline with Status Review Triggers for the Illinois Endangered Hypericum adpressum (Creeping St. Johnwort). 2013. Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Recovery Outline with Status Review Triggers for the Illinois Endangered Iresine rhizomatosa (Bloodleaf). 2013. Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Recovery Outline with Status Review Triggers for the Illinois Endangered Penstemon tubaeiflorus (Beardtongue). 2013. Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Recovery Outline with Status Review Triggers for the Illinois Endangered Polygonum arifolium (Halbred Leaf Tearthumb). 2013. Illinois Endangered Species Protection Board and Illinois Nature

Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Recovery Outline with Status Review Triggers for the Illinois Endangered Silene regia (Royal Catchfly). 2013. Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Recovery Outline with Status Review Triggers for the Illinois Threatened Styrax americana (American Snowbell). 2013. Illinois Endangered Species Protection Board and Illinois Nature Preserves Commission. Springfield, Illinois. Published online at <http://www.dnr.state.il.us/ESPB/recovery.html> .

Work not accomplished during the Biennium due to ongoing understaffing

Staff was unable to complete work on three additional recovery planning documents under development.

Staff was unable to initiate work to develop recovery planning documents for any of the additional 462 listed species for which approved recovery planning documents do not currently exist.

Field Activities (other than surveys)

Accomplishments during the Biennium

None.

Work not accomplished during the Biennium due to ongoing understaffing

Staff was unable to participate in the 2013/2014 field activities for the Prairie Chicken translocation project as a partner in the *Illinois Prairie Chicken (Tympanuchus cupido) Recovery Plan*.

Staff was unable to assist DNR ORC with any prescribed burns on endangered and threatened species habitats.

The Board did not have staff necessary to perform or administer any additional endangered and threatened species field activities.

Incidental Take Authorization Reviews

Accomplishments during the Biennium

Staff, in coordination with individual members, reviewed and commented on 14 DNR draft incidental take authorizations involving 15 species for project proposals including:

TR 603 over Brushy Creek, Williamson County, involving Indiana Crayfish (*Orconectes indianensis*); TR 97 over Haney Creek, Hardin County, involving Indiana Crayfish (*Orconectes indianensis*); High-Speed Rail Demonstration Project from Dwight to Pontiac, Livingston County, involving Eryngium Stem Borer (*Papaipema eryngii*); Clay mining in Pulaski County, involving Spotted Dusky Salamander (*Desmognathus conanti*); FAP 301 (US 20) over Rock River, Winnebago County, involving Black Sandshell (*Ligumia recta*); FAP 885 (IL 146) over Peters Creek, Hardin County, involving Kentucky Crayfish (*Orconectes kentuckiensis*); City of Edwardsville water main project in Monroe

County, involving Illinois Chorus Frog (*Pseudacris illinoensis*); I-90 over the Kishwaukee River in Winnebago County, involving Black Sandshell (*Ligumia recta*); City of Rock Island, Schwiebert Park Boat Dock, involving Black Sandshell (*Ligumia recta*); Green River Wind Farm Phase 1, LLC in Bureau, Lee, and Whiteside Counties, involving Ornate Box Turtle (*Terrepenne ornata*), Plains Hognose Snake (*Heterodon nasicus*), Blanding's Turtle (*Emydoidea blandingii*), Yellow Mud Turtle (*Kinosternon flavescens*), and Regal

Fritillary (*Speyeria idalia*); Enbridge Pipeline, in Livingston, Woodford, Tazewell, Fulton, Mason, Schuyler, Brown, Adams Counties involving Illinois Chorus Frog (*Pseudacris illinoensis*), Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*), and Black Rail (*Laterallus jamaicensis*); Remason WindFarm in Mason County, involving Illinois Chorus Frog (*Pseudacris illinoensis*); Orth Road Bridge in Boone County, involving Spike Mussel (*Elliptio dilatata*); and, County Hwy 16 Bridge in Grundy County, involving Slippershell Mussel (*Alasimodonta viridis*).

Work not accomplished during the Biennium due to ongoing understaffing

The Board determined in October 2013 that it did not have staff necessary to continue providing review and comments on draft incidental take authorizations due to competing priorities and directed staff to cease doing so until after a time when the Board gained adequate staffing.

The Board was unable to conduct follow up on questions raised from staff and member review of and comments on draft incidental take authorizations about how cumulative impacts were evaluated, how mitigation requirements were determined, and the protocol for outcome monitoring and reporting for authorized activities.

Interactions with Other Agencies

Accomplishments during the Biennium

The Board is a member of the DNR Natural Areas Evaluation Committee. Staff participated in evaluations and reviews of Illinois Natural Areas Inventory site nominations at six meetings during the biennium.

The Board is a member of the Illinois Wildlife Action Team which functions to implement the objectives identified in the Illinois Wildlife Action Plan. Board staff participated in four meetings of the team.

The Board is a member of the Chicago Wilderness Executive Council. Board staff participated in four meetings of the council.

Staff attended and gave an ESPB report at five meetings of the Illinois Nature Preserves Commission.

Staff participated in the 2014 USFWS *Platanthera leucophaea* (Eastern Prairie Fringed Orchid) annual researchers meeting.

Staff provided the Illinois Audubon Society information and review of a Grand Victoria Foundation – Vital Lands Illinois grant proposal related to protection of a site in Lee County that harbors several listed species.

Staff met with and responded to inquiries from the USFWS, Lake County Forest Preserve District, DuPage County Forest Preserve District, Forest Preserve District of Will County, Winnebago County Forest Preserve District, Illinois Natural History Survey, Illinois State University, Eastern Illinois University, Illinois Nature Preserves Commission, Morton Arboretum, Chicago Botanic Garden, and Natural Land Institute about the Board's Illinois List review process and schedule and Natural Heritage (Biotics) Database data.

Staff coordinated compilation of information and submitted it to the Natural Heritage (Biotics) Database in support of USFWS requests for information for the following species:

Anguilla rostrata, American Eel;
Crystallaria asprella, Crystal Darter; *Myotis leibii*, Eastern Small-footed Bat; *Myotis septentrionalis*; Northern Long-eared Bat; *Vermivora chrysoptera*, Golden-winged Warbler; *Villosa fabalis*, Rayed Bean; *Papaipema eryngii*, Rattlesnake-master borer moth; and, *Calopogon oklahomensis*, Oklahoma Grass Pink Orchid.

Work not accomplished during the Biennium due to ongoing understaffing

Staff was unable to attend and participate in one meeting of the Illinois Wildlife Action Team on behalf of the Board.

Staff was unable to attend one meeting of the Chicago Wilderness Executive Council on behalf of the Board.

Staff was unable to attend and give an ESPB report at one meeting of the Illinois Nature Preserves Commission.

Staff was unable to participate in the 2013 USFWS *Platanthera leucophaea* (Eastern Prairie Fringed Orchid) annual researchers meeting

Staff was unable to attend several USFWS-led endangered and threatened species conservation, regulation, and listing status informational meetings, workshops, and webinars.

Board staff was unable to attend and present an ESPB report at the 2012 or 2013 USFWS Region 3 Threatened and Endangered Species Coordinators meetings, which allow for interagency updates and coordination with the USFWS and nine states about endangered and threatened species funding, regulations, listing status/process, and conservation.

Invited Activities

Accomplishments during the Biennium

Staff attended and moderated three rare species sessions at the 2013 Natural Areas Conference held in Chicago, Illinois.

Staff participated on the Natural Areas Association awards committee for the 2013 Natural Areas Conference in Chicago, Illinois.

Staff responded to six requests for interviews and information from media outlets including Illinois Issues, Medill School of Journalism, WBEZ Radio, and the Chicago Tribune.

Work not accomplished during the Biennium due to ongoing understaffing

Staff was unable to participate in several meetings of the Chicago Wilderness Natural Resource Management Team.

Staff was unable to participate in a *Future of Illinois Native Plant and Seed Growers Round Table* held in June 2014 by the Illinois Native Plant Society.

Staff was unable to accept invitation to co-present as part of a Barn Owl Symposium at the 2014 Wildlife Society meeting.

Staff was unable to participate as a member of the Natural Areas Association Awards Committee for the 2014 Natural Areas Conference.

Staff was unable to respond to three requests for interviews and information from media outlets.

Public Interactions

Accomplishments during the Biennium

Staff handled approximately 700 phone and email inquiries annually regarding endangered and threatened species.

Work not accomplished during the Biennium due to ongoing understaffing

The Board was unable to produce any endangered and threatened species educational materials.

Staff was unable to respond to approximately 100 phone and email

inquiries annually regarding endangered and threatened species.

Staff was unable to accommodate approximately eight requests for presentations about endangered and threatened species at schools and conservation organization meetings.

Other Staff Activities

Accomplishments during the Biennium

Staff made updates to the Board's Policy Manual in February 2014 and submitted a copy to the Office of Executive Inspector General, as required.

Staff added an *Illinois List of Endangered and Threatened Species Review and Revision* page to the Board's website. This page provides the public with easier access than has ever been previously available to information about the process and how to engage.

Staff conducted outreach by sending to several hundred individuals and partner organizations an "ESPB Season's Greetings" email highlighting a few Board activities from the current year and some expected for the next year in 2012 and 2013 and several other "FYI" emails during the biennium.

Work not accomplished during the Biennium due to ongoing understaffing

Staff was unable to accomplish many other activities that have been traditionally supported by the Board.

Appendix

(520 ILCS 10/) Illinois Endangered Species Protection Act.

(520 ILCS 10/1) (from Ch. 8, par. 331)

Sec. 1. This Act shall be known and may be cited as the "Illinois Endangered Species Protection Act".
(Source: P. A. 77-2186.)

(520 ILCS 10/2) (from Ch. 8, par. 332)

Sec. 2. As used in this Act the following words have the following meanings:

"Board" means the Endangered Species Protection Board created by this Act.

"Conservation" means to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation and transplantation.

"Department" means the Department of Natural Resources and "Director" means the Director of that Department.

"Endangered Species" means any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival.

"Threatened Species" means any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, plus such other species which the Board may list as likely to become endangered in the wild in Illinois within the foreseeable future.

"Animal" means those organisms commonly included in the science of zoology and generally distinguished from plants by possession of a nervous system and the ability to move from place to place, including all invertebrates such as sponges and mollusks as well as vertebrates such as fishes, amphibians, reptiles, birds, and mammals.

"Animal Product" means the fur, hide, skin, teeth, feathers, tusks, claws, eggs, nests or the body or any portion thereof whether in a green or raw state or as a product manufactured or refined from an animal protected under this Act or under rules issued pursuant to this Act.

"Plant" means any organism not considered to be an animal, and shall include such organisms as algae, fungi, bryophytes, and ferns, as well as flowering plants and conifers.

"Plant Product" means any plant body or part thereof removed from natural habitat, including seeds, fruits, roots, stems, flowers, leaves, or products made from any of these, including extracts or powders.

"Essential Habitat" means the specific ecological conditions required by an endangered or threatened species for its survival and propagation, or physical examples of these conditions.

"Take" means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. "Take" means, in reference to plants and plant products, to collect, pick, cut, dig up, kill, destroy, bury, crush, or harm in any manner.

"Illinois List" means a list of species of animals and plants listed by the Board as endangered or threatened.

"Person" means any individual, firm, corporation,

partnership, trust, association, private entity, government agency, or their agents, and representatives.
(Source: P.A. 89-445, eff. 2-7-96.)

(520 ILCS 10/3) (from Ch. 8, par. 333)

Sec. 3. It is unlawful for any person:

(1) to possess, take, transport, sell, offer for sale, give or otherwise dispose of any animal or the product thereof of any animal species which occurs on the Illinois List;

(2) to deliver, receive, carry, transport or ship in interstate or foreign commerce plants listed as endangered by the federal government without a permit therefor issued by the Department as provided in Section 4 of this Act;

(3) to take plants on the Illinois List without the express written permission of the landowner; or

(4) to sell or offer for sale plants or plant products of endangered species on the Illinois List.

Source: P.A. 91-357, eff. 7-29-99.)

(520 ILCS 10/4) (from Ch. 8, par. 334)

Sec. 4. Upon receipt of proper application and approval of the same, the Department may issue to any qualified person a permit which allows the taking, possession, transport, purchase, or disposal of specimens or products of an endangered or threatened species of animal or federal endangered plant after the effective date of this Act for justified purposes, that will enhance the survival of the affected species by zoological, botanical or educational or for scientific purposes only. Rules for the issuance and maintenance of permits shall be promulgated by the Department after consultation with and written approval of the Board. The Department shall, upon notice and hearing, revoke the permit of any holder thereof upon finding that the person is not complying with the terms of the permit, the person is knowingly providing incorrect or inadequate information, the activity covered by the permit is placing the species in undue jeopardy, or for other cause.
(Source: P.A. 84-1065.)

(520 ILCS 10/5) (from Ch. 8, par. 335)

Sec. 5. (a) Upon receipt of proper application and approval of same, the Department may issue a limited permit authorizing the possession, purchase or disposition of animals or animal products of an endangered or threatened species, or federal endangered plants to any person which had in its possession prior to the effective date of this Act such an item or which obtained such an item legally out-of-state. Such permit shall specifically name and describe each pertinent item possessed by the permit holder and shall be valid only for possession, purchase or disposition of the items so named. The Department may require proof that acquisition of such items was made before the effective date of this Act. The Department may also issue a limited permit authorizing the possession, purchase or disposition of live animals or such item to any person to whom a holder of a valid permit issued pursuant to this section gives, sells, or otherwise transfers the item named in the permit. Limited permits issued pursuant to this section shall be valid only as long as the item remains in the possession of the person to whom the permit was issued.

(b) The limited permit shall be revoked by the Department if it finds that the holder has received it on the basis of false information, is not complying with its terms, or for other cause.
(Source: P.A. 84-1065.)

(520 ILCS 10/5.5)

Sec. 5.5. Incidental taking.

(a) The Department may authorize, under prescribed terms

and conditions, any taking otherwise prohibited by Section 3 if that taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. No taking under this Section shall be authorized by the Department unless the applicant submits to the Department a conservation plan.

(b) The conservation plan shall include but not be limited to the following:

(1) a description of the impact that the proposed taking is likely to have on one or more species on the Illinois list;

(2) the steps the applicant or other parties will take to minimize and mitigate that impact and the funding that will be available to implement those steps, including but not limited to bonds, insurance, or escrow;

(3) what alternative actions to the taking the applicant considered and the reasons why those alternatives will not be used;

(4) data and information to assure that the proposed taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;

(5) an implementing agreement that specifically names, and describes the obligations and responsibilities of, all the parties that will be involved in the taking as authorized by the permit; and

(6) any other measures that the Department may require as being necessary or appropriate for purposes of the plan.

(c) After reviewing the application for incidental taking and the conservation plan, the Department may authorize the incidental taking if the Department finds, in a written decision explaining its conclusions, that the taking will meet all of the following requirements:

(1) the taking will not be the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity;

(2) the parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking;

(3) the parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided;

(4) based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;

(5) any measures required under paragraph (6) of subsection (b) of this Section will be performed; and

(6) the public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application.

(d) The Department may require that a party to the conservation plan make additional assurances that the requirements under items (b)(1) through (b)(6) of this Section will be met before authorizing incidental taking.

(e) The Department shall impose on the authorization for incidental taking any terms or conditions that the Department finds necessary to ensure that the requirements under items (b)(1) through (b)(6) of this Section will be met. These terms or conditions may include but are not limited to reporting or monitoring requirements.

(f) If an applicant is party to a Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service pursuant to Section 10 of the Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the provisions of the Habitat Conservation Plan are found to meet the requirements set forth in subsection (c) of this Section.

(g) If an applicant has been authorized to take an endangered or threatened species under the terms of a biological opinion issued by the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, P.L. 93-205, and amendments thereto or regulations implementing Section 7 (50 CFR Part 402), the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the Department finds that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois. (Source: P.A. 91-556, eff. 1-1-00.)

(520 ILCS 10/6) (from Ch. 8, par. 336)

Sec. 6. There is created the Endangered Species Protection Board whose duties include listing, delisting, or change of listing status of species for the Illinois List, in consultation with and written approval by the Department, in accordance with the Illinois Administrative Procedure Act, on rules for listing species of animals or plants as endangered or threatened and delisting species of animals or plants as endangered or threatened, or changing their status.

The Board shall also advise the Department on methods of assistance, protection, conservation and management of endangered and threatened species and their habitats, and on related matters.

The Board shall be composed of 9 persons appointed by the Governor, and the Director as a non-voting member. Of the 9 appointed members at least 6 shall be persons who are recognized as naturalists by training, avocation or vocation. At least two of these shall be zoologists, at least one a botanist, and at least two ecologists. In making Board appointments, the Governor shall give consideration to recommendations of conservation groups.

Initially, 3 members shall be appointed for terms of 3 years, 3 for 2 years and 3 for 1 year. Thereafter, the terms of all appointive members shall be 3 years. Members shall serve until their successors are appointed. Any vacancy occurring in the position of an appointive member shall be filled by the Governor for the unexpired term.

Board meetings shall be called at regular intervals set by the Board, on the request of the Department, or upon written notice signed by at least 5 members of the Board, but in no event less than once quarterly. The place of the meeting shall be determined at the convenience of the Board and the Department. A quorum shall consist of 5 appointed members.

Members of the Board shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Board may without regard to the Personnel Code, employ and fix the compensation of necessary staff.

The Board shall select from its membership a chairman and such other officers as it considers necessary, and may name an Executive Committee to which it may grant specific powers.

The Board shall review and revise the Illinois List as warranted but in no case less frequently than every 5 years. It shall prepare and make available a report of its accomplishments biennially.

(Source: P.A. 84-1065.)

(520 ILCS 10/7) (from Ch. 8, par. 337)

Sec. 7. Any species or subspecies of animal or plant designated as endangered or threatened by the Secretary of the Interior of the United States pursuant to the Endangered Species Act of 1973, P.L. 93-205, as amended, shall be automatically listed as an endangered or threatened species under this Act and thereby placed on the Illinois List by the Board without notice or public hearing. The Board may list, as endangered or threatened, species of animals or plants which have reproduced in or otherwise significantly used, as in migration or overwintering, the area which is now the State of Illinois, if there is scientific evidence that the species qualify as endangered or threatened as these terms are

defined in this Act. The Board may delist any non-federally-listed species for which it finds satisfactory scientific evidence that its wild or natural populations are no longer endangered or threatened. Listing, delisting or change of listing status shall be made only after a public hearing.

Notice of such hearing shall be published at least 7 days before the hearing in a newspaper of general circulation throughout the state and shall be mailed to any person who has, in writing requested such notice from the agency holding the hearing. All persons heard or represented at a hearing and all persons who requested from the responsible agency notice of such hearing, shall be given a written summary of any action taken by the Board or Department relative to the hearing subject.

Upon listing or delisting or change of listing status by the Board, the Director shall file a certified copy of the names of the species so listed, delisted or changed with the Secretary of State as provided in "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended. (Source: P.A. 84-1065.)

(520 ILCS 10/8) (from Ch. 8, par. 338)

Sec. 8. Any officer or agent authorized by the Department or any police officer of the State or of any unit of local government within the State of Illinois, may execute any warrant to search for and seize any goods, merchandise or animals, plants, or animal or plant products sold or offered for sale in violation of this Act, or any property or item used in connection with a violation of this Act, or to examine premises for determination of actions in violation of this Act. Seized goods, merchandise, animals, plants or their products shall be held pending proceedings in the circuit court. Upon conviction, such seized goods, merchandise or animals, plants, or their products shall be forfeited and, upon forfeiture, either offered to a recognized institution for scientific or educational purposes, or if a suitable depository is not located for such items, they shall be destroyed. (Source: P.A. 84-1065.)

(520 ILCS 10/9) (from Ch. 8, par. 339)

Sec. 9. Any person who violates any provision of this Act shall be guilty of a Class A misdemeanor. (Source: P. A. 77-2830.)

(520 ILCS 10/10) (from Ch. 8, par. 340)

Sec. 10. The Endangered and Threatened Species Program

shall be located within the Department of Conservation. All fines collected under this Act shall be paid to the State Treasurer and deposited in the Nongame Wildlife Conservation Fund. (Source: P.A. 84-1065.)

(520 ILCS 10/11) (from Ch. 8, par. 341)

Sec. 11. Conservation program; public policy; rules.

(a) The Department, with the advice of the Board, shall actively plan and implement a program for the conservation of endangered and threatened species, by means which should include published data search, research, management, cooperative agreements with other agencies, identification, protection and acquisition of essential habitat, support of beneficial legislation, issuance of grants from appropriated funds, and education of the public.

(b) It is the public policy of all agencies of State and local governments to utilize their authorities in furtherance of the purposes of this Act by evaluating through a consultation process with the Department whether actions authorized, funded, or carried out by them are likely to jeopardize the continued existence of Illinois listed endangered and threatened species or are likely to result in the destruction or adverse modification of the designated essential habitat of such species, which policy shall be enforceable only by writ of mandamus; and where a State or local agency does so consult in furtherance of this public policy, such State or local agency shall be deemed to have complied with its obligations under the "Illinois Endangered Species Act", provided the agency action shall not result in the killing or injuring of any Illinois listed animal species, or provided that authorization for taking a listed species has been issued under Section 4, 5, or 5.5 of this Act. This paragraph (b) shall not apply to any project of a State agency on which a biological opinion has been issued (in accordance with Section 7 of the Federal Endangered Species Act) prior to the effective date of this amendatory Act of 1985 stating that the action proposed by said project will not jeopardize the continued existence of any federal listed endangered or threatened species.

(c) The Department shall have the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Act. (Source: P.A. 91-556, eff. 1-1-00.)



**ILLINOIS ENDANGERED SPECIES
PROTECTION BOARD**

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

Web page: <http://dnr.state.il.us/espb/index.htm>

Equal opportunity to participate in programs of the Illinois Department of Natural Resources (IDNR), Illinois Endangered Species Protection Board, and those funded by the U.S. Fish and Wildlife Services and other agencies is available to all individuals regardless of race, sex, national origin, disability, age, religion, or other non-merit factors. If you believe you have been discriminated against, contact the funding source's civil rights office and/or the Equal Employment Opportunity Officer, IDNR, One Natural Resources Way, Springfield, IL 62702-1271; 217/782-1274.

Information is available to the hearing impaired by calling the Illinois Department of Natural Resources Telecommunications Device for the Deaf [TDD] at 217/782-9175.