

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF 191st MEETING, August 20, 2021

via ZOOM

Approved at the 192nd meeting, November 12, 2021

BOARD MEMBERS PRESENT: Dr. Angelo Capparella, Dr. Janice Coons, Dr. Joyce Hofmann, Mr. Randy Schietzelt, Dr. Tih-Fen Ting, Dr. Philip Willink, and Mr. Chris Young

BOARD MEMBERS ABSENT: Dr. Jeremie Fant, Mr. Bruce Ross-Shannon

OTHERS PRESENT: Tara Kieninger (IDNR Natural Heritage Database), Kelly Neal (INPC), Joe Kath, (IDNR Division of Natural Heritage), Heather Osborn (IDNR ITA Coordinator), Todd Strole (IDNR Division of Natural Heritage), Philip Cox (IDNR Division of Natural Heritage), Austin Omer (Illinois Farm Bureau), Jason Bried (INHS), Jeannie Barnes (retired INHS), Natalia Maass (IDNR Natural Heritage Database), Peyton Munch (Rockford, IL), Adam Elbrichi (Rockford, IL)

1. Call to Order, Roll Call of Board Members, and Introduction of Guests

Chair Hofmann called the meeting to order at 10:04 A.M. and read the roll call. Six voting Board members were in attendance at that time, constituting a quorum. Dr. Hofmann welcomed the visitors and Mr. Young asked them to introduce themselves.

2. Adoption of Agenda

Mr. Schietzelt moved that the agenda be adopted as presented. The motion was seconded by Dr. Coons. The motion passed unanimously on a roll call vote.

3. Approval of Minutes from the 190th Meeting

Draft minutes of the 190th meeting had been distributed to Board members prior to the meeting by email. There were no corrections or additions. Dr. Capparella moved that the minutes of the 190th meeting be approved as presented. Dr. Ting seconded the motion and it passed unanimously on a roll call vote. Dr. Hofmann said that she would have the minutes posted on the website.

4. Report from the Illinois Department of Natural Resources (IDNR)

The Department's report had been distributed to the Board via email. Mr. Strole stated that the Division of Natural Heritage has updated its website and it is now live. He encourages everyone to check it out at <https://www2.illinois.gov/sites/naturalheritage/Pages/default.aspx>. The Outdoor Illinois journal is now all online at <https://outdoor.wildlifeillinois.org/>. It is supported by Division of Natural Heritage funding and now has a greater diversity of articles, many of which cover threatened and endangered species as well as Species of Greatest Conservation Need. Illinois Caverns has reopened. It had been closed for around a decade due to White-nose Syndrome. It is an important education site that highlights the importance of caves / karst ecosystems. The State Wildlife Grant / Illinois Wildlife Action Plan program is involved in a multitude of projects,

including minor updates of the Illinois Wildlife Action Plan to include the recently revised Illinois List of Threatened and Endangered species. IDNR formalized its new adaptive recovery process focusing on assessment, planning, and implementation. Executive and Technical Teams at the Office level were developed. Individual efforts will be guided by Leads for 38 species. The chosen species are those for which there are already ongoing efforts or there are (potentially) collaborative efforts with US Fish and Wildlife Service. Many Leads will probably establish teams. The process is designed with the Recovering America's Wildlife Act in mind, such that if funding becomes available, then IDNR is positioned to act quickly. Dr. Capparella asked if there would still be recovery plans. Mr. Strole said there would be, but they may be slightly different. Dr. Hofmann added that recovery plans need ESPB approval. Dr. Capparella asked if the Incidental Take Authorization for each wind farm project is analyzed separately from all others, or are cumulative effects of all of wind farms taken into consideration? Mr. Strole said each is considered separately because that is the standardized process for Incidental Take Authorizations. Cumulative effects over many wind farms are not taken into consideration. Dr. Capparella is also concerned with cumulative impacts on Illinois Chorus Frogs. Mr. Strole responded that IDNR evaluations are project by project. Dr. Coons asked to see a list of the Leads for the 38 species. Mr. Strole said the list of names has not been made public yet because the process just got started. IDNR will provide a list to the Board.

5. Report from the Illinois Nature Preserves Commission (INPC)

An INPC report was distributed to the Board via e-mail. There was nothing new to report since the last ESPB meeting because the INPC had not met since then. The next Commission meeting is scheduled for September 14, 2021 and may be held in-person at Olney Central College. INPC provided a list of endangered and threatened species found on Illinois Nature Preserves. Mr. Schietzelt noted that 80% of listed species were found in Nature Preserves and asked if the percentage would be close to 90% if the list included all state land. Mr. Strole thought they probably had an answer for animals, but not plants. Ms. Kieninger said they could probably figure this out from the Illinois Natural Heritage Database. Mr. Schietzelt felt it would be good to know what species are unprotected by the Nature Preserves system. Dr. Capparella stated that it would be nice to know what E&Ts are present on land trust properties for management purposes. Dr. Ting asked how recent the E&T list for the preserves was; she also was curious about the distinction between historic versus recent records. Ms. Kieninger generated the list a few weeks ago and it includes historic and recent records. Dr. Ting felt it would be valuable to know the date of the last successful survey.

6. Report from the Chair of the Illinois Endangered Species Protection Board

Chair Hofmann previously provided a written report on her activities since the last meeting; the report is attached to these minutes. She performed the usual administrative tasks of dealing with email, preparing draft minutes from the previous meeting, distributing draft Incidental Take Authorizations and Conservation Plans, and distributing various materials for this meeting. She and Dr. Coons also prepared draft versions of the petitions used for the revision of the Illinois List of Endangered and Threatened Species.

7. Semi-annual Review of Whether to Keep Closed the Minutes from Previous Closed Sessions

Chair Hofmann pointed out that there have been no closed sessions since the Board voted on this issue at the 189th meeting. Mr. Schietzelt moved to keep the minutes of previously closed

sessions closed and the motion was seconded by Dr. Capparella. The motion passed unanimously on a roll call vote.

8. Discussion on Petitions for Changes to the Illinois List of Endangered and Threatened Species Submitted Between Five-Year Revisions

Dr. Capparella recently read a paper in the Transactions of the Illinois State Academy of Science in which two fish species, Streamline Chub and Tippecanoe Darter, were documented in Illinois for the first time. The authors of the paper felt the species should be listed as endangered. Dr. Capparella wondered if the authors were familiar with the listing process. Dr. Willink stated that some of the authors were on the recent Fish Endangered Species Technical Advisory Committee and did know the petition process. They also knew that the ESPB recently finished their five-year revision, so they probably did not see a rush on submitting the appropriate petitions at this time since the next revision was not for at least a couple more years. Dr. Hofmann clarified that petitions can be submitted at any time. Early petitions in the past were usually kept on hold until the end of the period. Petitions can be evaluated at any time but would need to be moved through the JCAR process for the List to be changed. Dr. Capparella wondered if species should be listed quicker than the five-year review period if there was a critical need for their conservation. Mr. Strole replied that it is the Board's decision and reiterated that the petition would have to go through the entire process, which is complicated. He stated that there may be other protected species in the same area (i.e., 'umbrella species') and the unlisted species would have a modicum of protection while the listing process played out. Dr. Capparella stated that the unlisted species may have other habitat requirements not covered by the umbrella species. Dr. Hofmann said that the Board should ensure that people know that petitions can be submitted at any time. This should be highlighted on the website. IDNR will remind staff that petitions can be submitted anytime. Dr. Capparella asked if federally endangered species go through the Illinois JCAR process before becoming listed in Illinois. Mr. Strole answered that the listing in these cases is automatic (i.e., does not go through JCAR). The changes are then included in the next List revision. Mr. Schietzelt asked about the effect of name changes. A recent name change issue has arisen regarding the Spring Cavefish. Mr. Strole stated that name changes do matter and theoretically a species would not be protected if its name did not match the name on the Illinois List. He referenced the recent situation in which the name change for the Banded Killifish was made during the last List revision. Dr. Willink clarified that in the case of Banded Killifish, there were two taxonomic groups in Illinois at the same time, whereas the Spring Cavefish is thought to only be one species in the state. Mr. Young will contact IDNR Legal for clarification.

9. Discussion on Draft Revised Petition Forms for the Review and Revision of the Illinois List of Endangered and Threatened Species

The discussion started with the Cover Sheet. Dr. Capparella asked if the Executive Summary needed to be redacted before posting on the ESPB website in case sensitive location information was included. There is a comment in the instructions that sensitive information may be redacted. Dr. Ting said that a line should be added for the species' common name.

The discussion moved to the Instructions. There is a comment at the end of the form about how to submit petitions by mail. Dr. Hofmann felt it was simplest to delete this section. If someone has questions about mailing in submissions, they could contact the Board. For now, it was

decided to include instructions only for email submissions. Dr. Capparella felt that the word “only” should be added in 1A, making it “based only on scientific evidence.” Dr. Capparella pointed out that “shortly” is used as the timeframe for contacting petitioners in section 1I., whereas other areas of the document are more specific. Dr. Hofmann will change the wording to “in a week.”

For the Add a Species to the List petition form, Dr. Capparella asked if the phrase “or distinct population segments” could be added as potential conservation units, which is what is done at the Federal level. Dr. Hofmann answered that the wording is straight from the Administrative Rules so it should remain the same. Mr. Young commented that if any taxonomic unit has protection at the Federal level, it is probably protected in Illinois. He would check with IDNR Legal. Dr. Hofmann pointed out that a “Known Threats” section had been added. Dr. Capparella suggested that “recent” records be clarified as 10 years or less. In the draft, the options are <10 years or >10 years, leaving 10 years in limbo. There was consensus to have recent records be equal to or less than 10 years old. Dr. Capparella suggested that a section H.e. should be added to include the category “conservation land trusts.” Dr. Capparella also noted that Plants of Concern only covers northeastern Illinois and southern Illinois. The petition form includes the option for the petitioner to mention other lists on which the species may occur.

For the Change Status petition form, Dr. Hofmann suggested deleting the “Species of Greatest Conservation Need” section to streamline the form and Dr. Capparella suggested deleting the “Plants of Concern” section as well. Any endangered or threatened species will be on those lists. There was a discussion around keeping, deleting, or modifying the Element Occurrence Tables. Some petitioners felt it was onerous to fill them out and the effort may discourage some people from submitting a petition. The Past Table and Present Table are fairly easy to fill in by copying tables from the Illinois Natural Heritage Database. The 5-Year Interval Table is more complicated. Dr. Hofmann wondered if the table could be generated automatically from the Illinois Natural Heritage Database. Ms. Barnes replied that it could not be generated automatically, but numbers for earlier intervals have already been calculated. Dr. Coons stated that there is a need for a centralized location for this information, both for archival purposes and accessibility. Mr. Schietzelt finds graphs of the data most useful. For the All Element Occurrences Table, Dr. Coons prefers to have this table in the petition, as opposed to just an attachment. That makes it easier for Board members to evaluate the petition that way. Ms. Barnes stated that some people may rethink submitting a petition based on the information they see when filling in this table. Dr. Capparella suggested that “recent” records be clarified as 10 years or less and that “conservation land trusts” should be added as a category in section I.e. Dr. Capparella asked if triggers will be included for the 38 species being targeted for recovery. Mr. Young will ask about that. Dr. Hofmann said it would be difficult to find the reason for listing a species for the last two revisions. The reason for listing species during revisions prior to 2012 is summarized in a report on the Board’s website (The Endangered Species Act Protection at 40). Ms. Barnes is currently updating a table for this information, and it will be posted on the website.

The Delisting petition is very similar to the Change of Status petition, so similar corrections should be made. Dr. Ting asked if it was necessary to have the “from Endangered” or “from Threatened” categories. Dr. Hofmann will modify the section to read “Current Status” and that

should suffice. Ms. Kieninger recommended that petitioners use the NatureServe Explorer link at <https://explorer.natureserve.org/>

Dr. Hofmann will do a little more investigating on a couple of sections, then the Board will vote on whether to accept the forms at the November meeting.

10. Public Comment Period

Peyton Munch and Adam Elbrichi (both from Rockford, IL) addressed the Board regarding people posting on social media about poaching Royal Catchfly and other endangered plant species. People are making money by selling or making floral bouquets of endangered plant species. Dr. Hofmann clarified that the Board does not have the regulatory authority to handle situations like this. Mr. Young asked that the relevant information be sent to him and he will forward it to Law Enforcement.

11. Other Business

Dr. Hofmann reminded Board members to send their timesheets to Kristi Sorenson. Dr. Coons asked about the status of term renewals, filling the vacancy on the Board, and hiring a Director for the Board. Mr. Young replied that the pandemic had slowed hiring. There was a brief discussion about how to archive ESPB material. Dr. Hofmann has some material, including the petitions from the last List revision on her computer, with an external hard drive as backup. Dr. Hofmann will send material to Mr. Young for storage at IDNR.

12. Next Meeting Information

The next meeting is scheduled for November 12, 2021 at 10 A.M. The format of the meeting is To Be Determined because of ongoing coronavirus conditions. Dr. Hofmann will check on the availability of the Midewin National Tallgrass Prairie Visitor Center's meeting room closer to the date of the meeting.

13. Adjournment

Chair Hofmann adjourned the meeting at 12:13 P.M.

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Report from the Chair, 20 August 2021

Joyce Hofmann

Activities for the period between the 190th and 191st Board meetings

- performed follow-up for 190th meeting – arranged for the final agenda of the 190th meeting and the approved minutes of the 189th Board meeting to be posted on the Board’s website
- monitored the Board’s email account – responded to some messages, forwarded others to appropriate personnel at the Illinois Department of Natural Resources (IDNR)
- prepared draft minutes for the Board’s 190th meeting
- prepared draft versions of petitions to add a species to the Illinois List of Endangered and Threatened Species, change the status of a listed species, and remove a species from the Illinois List of Endangered and Threatened Species
- met with Vice-Chair Janice Coons to discuss revised petitions
- distributed four draft Incidental Take Authorizations (ITAs) and one Conservation Plan to Board members for potential review
- prepared for the 191st Board meeting – prepared the notice for the 190st meeting, prepared draft minutes for the 190th Board meeting, developed an agenda for the 191st meeting, had the draft agenda posted on the Board’s website and at the IDNR building, and distributed materials for the 191st meeting to Board members