

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF 170<sup>TH</sup> MEETING, MAY 13<sup>TH</sup>, 2016

MIDEWIN NATIONAL TALLGRASS PRAIRIE, MAIN MEETING ROOM, VISITOR CENTER; 30239 SOUTH STATE ROUTE 53; WILMINGTON, IL 60481

Approved at the 172<sup>nd</sup> Meeting, November 18, 2016

BOARD MEMBERS PRESENT: Chair Joyce Hofmann, Secretary Jeff Walk, Dr. Janice Coons, Dr. Jeremie Fant, Mr. Vernon LaVia, Mr. Randy Nyboer, Mr. Bruce Ross-Shannon, Mr. Randy Schietzelt, Ms Ann Holtrop (Designee of Director Rosenthal)

BOARD MEMBERS ABSENT: Vice-chair Jim Robinett

OTHERS PRESENT: Mr. Bob Bluett, Dr. Mike Dreslik, Mr. Joe Kath, Ms. Tara Kienenger, Ms. Kelly Neal

1 Call to order, welcome, introduction of Board members, and introduction of audience members

Chair Hofmann called the meeting to order at 10:02 AM, conducted roll call, and noted that there was a quorum. Chair Hofmann invited audience members to introduce themselves.

2 Adoption of agenda

Chair Hofmann suggested re-ordering the agenda so that the Department and Commission reports preceded the Chair's report. Dr. Coons **moved**, seconded by Mr. Schietzelt, to adopt the re-ordered agenda and it was **approved**.

3 Approval of minutes from the 169<sup>th</sup> meeting and closed session of the 169<sup>th</sup> meeting

Draft minutes of the 169<sup>th</sup> meeting were distributed with the Board packet. Mr. Nyboer noticed three typographical errors and incorrect meeting date. Noting no further changes, Chair Hofmann **approved** the corrected minutes.

Draft minutes of the closed session of the 169<sup>th</sup> meeting were distributed to Board members to review at the 170<sup>th</sup> meeting. This closed session was to discuss personnel matters, Open Meetings Act Exception 2 (c) (1). The meeting date was corrected. Noting no further changes, Chair Hofmann **approved** the corrected minutes.

4 Report from the Illinois Department of Natural Resources

Dr. Herkert submitted a report in advance of the meeting, which was reviewed by Ms. Holtrop with the Board. Ms. Holtrop noted the Department's endangered/threatened species consultation had reviewed about 3,000 projects, commented on 269, and recommended 20, affecting 31 species, for Incidental Take Authorization to date in 2016. Spring endangered species surveys were underway, including recovery activities for osprey and greater prairie-chicken.

## 5 Report from the Illinois Nature Preserves Commission

Ms. Neal submitted a written report to the Board, and noted the Commission is short-staffed with retirements. The Commission has developed a 5-year strategic plan, posted on their website, that is ambitious given staffing, but outlines the Commission's strategic priorities. The Commission approved an animal translocation policy in September 2015, which was included in the report. The policy is aligned with the Board's translocation policies. The Nature Preserve system now includes 387 nature preserves and 186 land and water reserves, spanning more than 108,000 acres.

## 6 Report from the Illinois Endangered Species Protection Board Chair

Chair Hofmann shared her written report with Board members. Chair Hofmann welcomed and introduced Mr. Ross-Shannon to the first meeting he has attended since his appointment to the Board. Mr. Ross-Shannon is an attorney and has previous experience with the Natural Lands Institute and as chair of the Illinois Nature Preserves Commission.

Chair Hofmann reminded Board members to exercise caution in using email, limited to logistics and information-sharing in advance of meetings, to avoid any appearance of conducting business outside of open meetings.

Four envelopes, addressed to the former Executive Director were found in the Springfield office, containing time sheets and travel forms from last September. Chair Hofmann sent these to Jim Herkert for processing.

Chair Hofmann received a call from Governor's Office Special Council, inquiring after conflicts between Board and Department, and later received a letter regarding the relationship between the Board and Department.

At last closed session, the Board attempted to use a digital recording device, as the Board is required to keep a verbatim record of closed sessions. Secretary Walk notified Chair Hofmann that the disk he received at the end of the closed session contained no audio files, which Chair Hofmann reported to Mr. Sisk, Ethics Officer for the Department.

Chair Hofmann shared a March 23, 2016, letter from Director Rosenthal, requesting information about the last revision and future list revisions. Board members with longer tenures recounted that the last revision proceeded in the same manner as earlier revisions, and noted the Board cannot take any action to change the list without Department approval. However, the Board does appear to need a preliminary vote so the Department has something to consider for approval. The last revision was done in coordination with IDNR Legal, changes to the list were presented to Director Miller and later Director Rosenthal for approval, and the changes to the list were approved by Director Rosenthal. The last revision changes were not final or submitted to JCAR until approved by the Department. The Board reviewed the list revision and approval process, from expert and staff recommendations for changes, a preliminary vote of changes, a public hearing and response, a final vote, Department approval, and finally change in Administrative Rules.

As it was unclear to the Board what issue the Department is hoping to resolve, Ms. Holtrop agreed to report back what change in process might meet the Department's needs.

#### 7 Completion of Statements of Economic Interest

Chair Hofmann noted Mr. Sisk, IDNR Legal, reported all Board members were in compliance with filing Statements of Economic Interest. All Board members acknowledged having completed the supplemental Statement of Economic Interest as well.

#### 8 Board Member Appointments and Call for Election of Executive Officers

Mr. LaVia, Secretary Walk, and Mr. Schietzelt have expiring terms, as of May 15<sup>th</sup>. Mr. LaVia and Mr. Schietzelt are seeking new terms. Mr. Heffley has been working with the Governor's Office of Appointments to fill Board appointments. Secretary Walk **moved**, seconded by Dr. Coons, for Chair Hofmann to draft letters recommending reappointment of Mr. LaVia and Mr. Schietzelt, and was **approved**. Secretary Walk stated he will resign before the August meeting, but assist with minutes and other duties as Secretary on expired term after May 15<sup>th</sup>. Chair Hofmann has conversed with a potential candidate. Anyone citizen may self-nominate to serve on the Board. The Board is presently meeting required expertise for Board composition.

Chair Hofmann reviewed the need for election of Executive Officers. The Board will require a Secretary with Dr. Walk's departure from the Board. The board will also require a new Chair. Dr. Hofmann had assumed the role of acting chair, and announced she will step down after August 10<sup>th</sup>. The Board will also need a presiding officer at the August meeting, which Chair Hofmann cannot attend. Mr. Nyboer stated his willingness to be Secretary. It is assumed Vice-Chair Robinett will preside at the August meeting, if he is able to attend. Dr. Hofmann offered she would consider the office of vice-chair.

#### 9 Preliminary Approval of a Petition to Remove the Eastern Woodrat (*Neotoma floridana*) from the Illinois List of Endangered and Threatened Species

The Board had received the petition prepared by Mr. Bluett. Chair Hofmann completed a preliminary review of the petition. Mr. Bluett discussed the petition and the success of recovery activities. Status review triggers had largely been met, and translocations of animals from Missouri and Arkansas (nearest available source populations of same subspecies) to the eastern Shawnee National Forest had been successful. Genetic studies of new populations show increased genetic health. Woodrats would remain protected under Wildlife Code if delisted, and largely occur on protected lands. Secretary Walk **moved**, seconded by Mr. Scheitzel, to preliminarily approve removal of the eastern woodrat from the Illinois List of Endangered and Threatened Species, and it was **approved** unanimously.

#### 10 Preliminary Approval of a Petition to Change the Status of the Smooth Softshell (*Apalone mutica*) from Endangered to Threatened

The Board had received the petition prepared by Mr. Bluett. Chair Hofmann completed a preliminary review of the petition. Mr. Nyboer questioned utility of petition process for

changes in status, from Threatened to Endangered and Endangered to Threatened. Board members noted the advantage of a consistent and transparent process among all potential changes, any of which could be challenged. Mr. Bluett offered he appreciated the standard vehicle for making any status changes, and while protections are similar, definitions of threatened and endangered species are different and it is good to show progress. He reported the Department is working on a prioritization process for endangered species recovery efforts.

Regarding the smooth softshell, Mr. Bluett was asked about the threat of nest predation. While he acknowledged it could be an issue, the status review triggers are based on distribution of the species and not that type of demographic or ecological information. All  $\geq 6$  order streams had been surveyed for the species; few were documented within Nature Preserves, but protected lands do not represent protection or the condition of large rivers. The turtles are also highly mobile, moving up to 25km on a river. Mr. Scheitzelt **moved**, seconded by Dr. Fant, for preliminary approval to change the status of the smooth softshell from endangered to threatened, and it was **approved**.

The Board recessed at 11:58 AM and reconvened at 12:11 PM.

#### 11 Approval of Schedule for Reviewing Taxonomic Groups for the Next Revision of the Illinois List of Endangered and Threatened Species

The Board reviewed that petitions must be submitted 60 days in advance of a meeting for review and to be placed on the agenda 30 days before a meeting. Chair Hofmann shared that IDNR Legal formerly told the Board any committees were subject to the Open Meetings Act, but left unanswered how minutes could be approved if meeting only once, and therefore IDNR Ethics Officer Mr. George Sisk considers it possible that a group meeting a single time might not be considered a public body. A single meeting might work for some taxa, but plants are much larger and complicated.

The Board agreed to separate review of petitions from the schedule of committees. The Board discussed options for conducting these committee meetings, such as special meetings following regular meetings and using separate spaces to run committee meetings concurrently, but decided on holding special meetings the day prior to regular meetings. Meeting dates and locations could be modified, but the onus would be on the Board member leader. The schedule and Board leads for reviews of taxonomic groups will be:

- August 2016 – birds (Robinett – to be confirmed)
- November 2016 – amphibians and reptiles (Schietzelt)
- February 2017 – Fish (Robinett – to be confirmed)
- May 2017 – mammals (Hofmann)
- August 2017 – terrestrial invertebrates (Hofmann)
- November 2017 - aquatic invertebrates (Schietzelt)
- February 2018 and beyond – plants

Chair Hofmann offered to check files for a list of interested parties and contact information to assist in developing committees.

12 Approval of Members of the Avian Expert Committee for the Revision of the Illinois List of Endangered and Threatened Species

The Board discussed avian experts, and their representation of the state, who had been contacted and agreed to volunteer on a committee to review species where a change in status may be warranted and to further assist in developing petitions for any changes to the list.

Mr. Ross-Shannon **moved** to establish a bird expert committee of at least 5 members, and no more than 10, with the following 10 nominees: Dr. Angelo Caparella, Dr. Eric Bollinger, Dr. Jeff Hoover, Dr. Wendy Scheltzky, Dr. Doug Stotz, Dr. Jim Mountjoy, Dr. Mike Ward, Mr. Brad Semel, Dr. Jeff Walk, Dr. James Herkert. The motion was seconded by Dr. Fant and **approved**.

13 Review of Illinois Natural Heritage Database Data for Endangered and Threatened Bird Species

Board members reviewed some updates to the bird data for 2012-2016. Updated reports will be provided to the just-approved committee.

14 Public Comment Period (3 minutes per person)

Mr. Bluett and Mr. Kath thanked Chair Hofmann for all of her work as Board Chair.

15 Closed Session (Personnel Matters – Open Meetings Act Exception 2 (c) (1))

Mr. Schietzelt **moved**, seconded by Dr. Coons, to go into closed session, citing Open Meetings Act Exception 2 (c) (1). With no further discussion, the motion was **approved** at 1:20 PM.

The Board returned to open session resumed at 2:00 PM

16 Any Actions Resulting from the Closed Session

No action was taken.

17 Other Business

Chair Hofmann noted the Board should undertake a self-evaluation at some point.

Mr. Nyboer volunteered to produce biennial report, which will be largely drawn from existing meeting minutes.

Chair Hofmann intends to update the Board manual to aid committees with knowledge of the petition process and Open Meetings Act requirements.

Suggestions for experts for the amphibian and reptile committee should be directed to Chair Hofmann, so the committee can be established at the August meeting. Chair Hofmann will request relevant data from the Department for the committee's use prior to the November meeting.

Dr. Coons offered to coordinate a lunch order for future meetings.

Dr. Walk stated he will transfer Board records in his possession to Chair Hofmann as the only continuing executive officer present at the meeting.

18 Next Meeting Information

Tentatively, the special meeting of the Avian Expert Committee is slated for 10 AM, August 11, with Mr. Robinette presiding, at Midewin National Tallgrass Prairie, Wilmington.

The next regular Board meeting will be 10 AM on August 12, 2016, at Midewin National Tallgrass Prairie, Wilmington.

19 Adjournment

Chair Hofmann adjourned the meeting at 2:09 PM.