FOREST PRESERVE ADVISORY BOARD Report No. 2013-01
REPORT TO COUNCIL

SUBJECT: Unauthorized removal of vegetation in Forest Preserve – Hamilton Tract
DATE: May 23, 2013

BACKGROUND: In November, 2012, staff from the Public Works Department undertook removal of vegetation and trash in the area of the Hamilton Place community gardens. It was discovered while vegetation removal was underway that the work extended into the forest preserve, and this work had not been approved subject to procedures set forth in the City Code and the Management and Maintenance Guidelines for the Forest Preserve. The work was stopped, but not before significant disturbance in the forest preserve had occurred.

Following the discovery of this unauthorized vegetation removal, Ruth Kastner (former FPAB member and chair) appeared before the City Council to ask that the Council investigate what happened, how it came to happen, and what could be done to avoid any future unauthorized vegetation removal (or other acts) within the forest preserve.

This matter was referred to the Forest Preserve Advisory Board for consideration and recommendation.

DISCUSSION: This incident was discussed by the Board on three occasions. While it is clear that the city staff acted in error in removing vegetation from the forest preserve, the Board does not believe that these actions reflect intentional disregard of the preserve regulations.

It appears that supervision of the Public Works crew was lacking, and the work itself did not have a well-defined plan. If either had been in place, this incident could have been avoided. Instead, these lapses serve as the foundation for an improved process by which the FPAB recommends future maintenance actions in the preserve be proposed, reviewed and approved (if appropriate).

The Board also discussed what, if any, restoration of disturbed areas should be undertaken. Given the recent discovery of the walls of the Hamilton family cemetery, foundations of the Hamilton family homes and out buildings, and the unknown value of these remnants, the FPAB does not support restorative actions which might result in ground disturbance near these remnants of the Hamilton Family home site. At this time, the Board prefers that the disturbed areas of the forest preserve be allowed to naturally regenerate.

11

RECOMMENDATION: Even though the actions appear to be the result of human errors, this incident highlights needs and opportunity to improve the process by which decisions impacting maintenance in the forest preserve are made. The following findings and recommendations are made in response to this incident:

Findings

1. The unauthorized clearing work was the result of probable inadequate direction to city public works crews from supervisory staff as to the purpose, plan, extent and execution of the maintenance and clean-up which was the purpose of the work.
2. While the work was underway, supervisory oversight was lacking.
3. The Management and Maintenance Guidelines are vague in the description of what maintenance and removal of vegetation is authorized in order to protect the productivity of the community gardens.

Recommendations

1. Any work[2] planned within the forest preserve, regardless of the magnitude, purpose or extent of the work should be accompanied by a detailed plan describing and showing the proposed work, as well as justification (purpose) for the work.
2. All work, except as undertaken as an emergency measure, should be approved by a supervisor, City Manager, and the liaison to the Forest Preserve Advisory Board. The FPAB liaison should notify the FPAB prior to the approval and execution of any proposed work. Every effort shall be made to have the FPAB evaluate the proposed work, and at a minimum, the FPAB shall be notified via email (or other means) in advance of the execution of the work.
3. The FPAB shall review the proposed work within the context of the City Code and the Management and Maintenance Guidelines. The Board's recommendation shall be forwarded to the City Manager.
4. In the event of routine maintenance conducted within the Management and Maintenance Guidelines[3], the FPAB shall be provided notification of work proposed or executed.
5. The FPAB should review and recommend modifications to the guidelines relating to required/authorized maintenance at the community gardens for the purpose of providing greater clarity concerning authorized maintenance.

---

[2] Work shall refer to the approved plan, justification of the work, and any conditions as added by the FPAB, City Council and/or city staff.

[3] Refers only to that work specifically allowed in the guidelines, city code, or previously approved by the FPAB and City Manager.

6. City staff should establish adequate communication with the garden club to ensure that the club and its members are fully aware of the city and forest preserve regulations.
7. Add a regulatory forest preserve sign in the area of the community gardens.
8. Train city staff in the requirements and regulations regarding the forest preserve.

RESPECTFULLY SUBMITTED,

Robert Snyder
Chair

The report was approved by a vote of 8-0.

DRAFT