



3. Plaintiff Robert Freeman is a taxpayer and resident of the State of Illinois and the County of Madison and is a user of the parks and conservation areas of the State of Illinois, including but not limited to Pere Marquette State Park located in Jersey County, Illinois.

4. Plaintiff Gilbert Ives is a taxpayer and resident of the State of Illinois and the County of Jersey, and is a user of the parks and conservation areas of the State of Illinois, including but not limited to Pere Marquette State Park located in Jersey County, Illinois.

5. Defendant David Kenney is the Director of the Illinois Department of Conservation.

6. Defendant Department of Conservation is a department of the Illinois State government. 127 Ill. Rev. Stat. § 3.

7. Defendants are charged with the care, control, supervision and management of all State Parks and Conservation Areas, 105 Ill. Rev. Stat. § 465, 468k.

8. Defendants have announced plans to have trees in state parks and conservation areas around the state cut down, harvested and logged, and have acted to invite bids for the selective cutting down, harvesting and logging of trees on a 345 acre tract in Pere Marquette State Park located in Jersey County, Illinois, as the first implementation of said plans.

9. Said bidding to cut down, harvest and log trees in Pere Marquette State Park is presently scheduled to be closed on October 14, 1978, and on October 18, 1978 the winning bid is to be accepted by Defendants.

10. The Illinois State Legislature has declared and provided that:

466. Acquisition of parks. § 2. It shall be the policy of the State of Illinois to acquire a system of State parks which shall embody the following purposes and objectives:

(1) To preserve the most important historic sites and events which are connected with early pioneer or Indian history, so that such history of the Indians, explorers, missionaries and settlers may be preserved, not only as a tribute to those who made possible the building of the State of Illinois and of the Union, but also as a part of the education of present and future Illinois citizens.

(2) To set aside as public reservations those locations which have unusual scenic attractions caused by geologic or topographic formations, such as canyons, gorges, caves, dunes, beaches, moraines, palisades, examples of Illinois prairie, and points of scientific interest to botanists and naturalists. These areas should be large in size and whenever practicable shall be not less than 1,000 acres in extent. However, smaller areas may be acquired wherever conditions do not warrant the acquisitions of the larger acreage.

(3) To preserve large forested areas and marginal lands along the rivers, small water courses, and lakes for a recreation use different from that given by the typical city park, and so that these tracts may remain unchanged by civilization, so far as possible, and be kept for future generations. Such areas also, should be acquired in units of 1,000 acres or more and may be available as fish and game preserves. However, smaller areas may be acquired wherever conditions do not warrant the acquisition of the larger acreage. \* \* \* 105 Ill. Rev. Stat. §466 (1) through (3).

11. "In maintaining the State parks and nature preserves" Defendants are mandated by statute to "conserve the original character as distinguished from the artificial landscaping of such parks and nature preserves." 105 Ill. Rev. Stat. § 467.

12. The Defendants are mandated by statute to provide for and encourage preservation of natural conditions to the greatest extent possible. 105 Ill. Rev. Stat. 466a; 127 Ill. Rev. Stat. § 63a2.

13. The State Legislature has provided criminal penalties for:

468b. Offenses--Punishment.) § 6. Every person who shall:

(1) Cut, break, injure, destroy take or remove any tree, shrub, timber, plant, or natural object in any park, nature preserve or parkway; . . . 105 Ill. Rev. Stat. § 468b(1).

This statutory criminal provision is absolute in its terms and provides no exceptions.

14. Defendants are charged specifically by statute with the duty "to enforce the laws of the State . . . in or on any lands owned, leased or managed by the Department" of Conservation. 127 Ill. Rev. Stat. § 63a28.

15. Defendants by planning to cut down, harvest, and log said trees and by inviting bids to do so in Pere Marquette State Park are acting beyond their statutory authority and in controvention of specific statutory provisions, including a criminal statute.

16. By inviting bids to cut down, harvest, and log trees in Pere Marquette State Park, Defendants are inviting, enticing, aiding, abetting, and/or conspiring with the bidders, and particularly the successful bidder, to violate the criminal law of the State of Illinois. 105 Ill. Rev. Stat. § 468b.

17. Therefore, the plans to allow the cutting down, harvesting, and logging of trees in the state parks and conservation areas in general, and in Pere Marquette State Park in particular, is a violation of the statutory duty which Defendants owe to uphold and enforce the laws of the State of Illinois in and on the lands owned, leased, and managed by Defendants under 127 Ill. Rev. Stat. § 63a28.

WHEREFORE, Plaintiffs pray this Court for:

I) A declaratory judgment declaring that:

a) The plans of Defendants to cut down, harvest, and log trees located in or on state parks and conservation areas be declared to be without legal authority, illegal, null and void;

b) The invitation for bids, the acceptance of bids, and any contracts or other arrangements to cut down, harvest, and log trees in state parks and conservation areas be declared to be without legal authority, illegal, null and void;

II) An injunction permanently enjoining Defendants from cutting down, harvesting, and logging trees in state parks and conservation areas or from inviting and/or accepting bids, and/or from making or entering into contracts or other arrangements, or from in any way authorizing any person to cut down, harvest, and log trees located in or on state parks or conservation areas.

- (III) An award of their costs of litigation against Defendants;
- (IV) Such other and further relief as the Court deems proper.

SIERRA CLUB  
By Edmund W. Woodbury  
Edmund W. Woodbury, Chairman  
Great Lakes Chapter

Robert H. Freeman  
Robert Freeman  
Gilbert Ives  
Gilbert Ives

Subscribed and sworn to  
before me a notary public  
this tenth day of October, 1978.

Theresa C. Sangan  
Notary Public

NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES OCT. 30, 1981

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