

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRY

PART 1515  
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

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(Repealed)

**AUTHORITY:** Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], and the Civil Administrative Code of Illinois [20 ILCS 805].

**SOURCE:** Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003; amended at 29 Ill. Reg. 20507, effective December 2, 2005; amended at 35 Ill. Reg. 1636, effective January 14, 2011; amended at 40 Ill. Reg. 5654, effective March 16, 2016; amended at 46 Ill. Reg. 5986, effective March 30, 2022.

**Section 1515.5 Definitions**

"100-year Floodplain" means an area adjacent to a body of water that has a 1% chance of being flooded in a given year, as identified by the Federal Emergency

Management Agency on the flood insurance rate map as a special flood hazard area.

"Additional Acres" means acres enrolled in an Illinois CREP Grant of Conservation Right and Easement that were not enrolled in the original Federal CREP contract that further the purposes of Federal CREP and the goals of Illinois CREP to improve water quality and fish and wildlife habitat, and create or expand a corridor for the protection of fish and wildlife.

"Federal CREP" means FSA's Conservation Reserve Enhancement Program (a subprogram of Federal CRP), a land conservation program.

"Federal CRP" means FSA's Conservation Reserve Program, a land conservation program.

"FSA" means the United States Department of Agriculture, Farm Service Agency.

"Illinois CREP Grant of Conservation Right and Easement Agreement" means a legally binding written agreement that specifies the conservation rights and the easement rights granted to IDNR or the applicable SWCD from the Landowner to enroll acreage into Illinois CREP.

"IDNR" means the Illinois Department of Natural Resources.

"Illinois Conservation Management Plan" means the document developed by IDNR and the Landowner that documents current conditions and sets forth conservation management strategies and actions on enrolled Illinois CREP Acreage.

"Illinois CREP" means the Conservation Reserve Enhancement Program, a State of Illinois land conservation program administered by IDNR.

"Illinois CREP Acreage" means the cumulative acres encumbered by an Illinois CREP Grant of Conservation Right and Easement.

"Illinois River Watershed" means the geographic area along the Illinois River (see Exhibit A).

"Kaskaskia River Watershed" means the geographic area along the Kaskaskia River (see Exhibit A).

"Landowner" means the applicant or grantor enrolling land in Illinois CREP. The Landowner can be a person, trust, corporation, or any other legal entity that has authority to encumber land eligible for Illinois CREP.

"SWCD" means a Soil and Water Conservation District, a county-based government entity in Illinois. (See list of participating SWCDs on the IDNR CREP website.)

"Technical Review Team" means the Illinois CREP advisory team, comprised of staff from divisions of IDNR.

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

### **Section 1515.10 Purpose**

Illinois CREP is a land conservation program that provides compensation to Landowners to improve water quality and enhance fish and wildlife habitat on private lands in the Illinois River Watershed and Kaskaskia River Watershed in Illinois. Illinois CREP provides Landowners that currently have or have had acreage enrolled in federal CREP contracts prior to May 26, 2021 or are currently enrolled in an Illinois CREP Grant of Conservation Right and Easement Agreement the opportunity to enroll that acreage for additional time (15 years or permanent) in Illinois CREP Grant of Conservation Right and Easement Agreement. Additionally, Illinois CREP provides Landowners that enroll acreage into the federal CREP contract after May 26, 2021 the opportunity to fulfill the federal mandate to enroll that same acreage into an Illinois CREP Grant of Conservation Right and Easement Agreement (either 15 years or permanent). Upon an Illinois CREP Grant of Conservation Right and Easement Agreement becoming effective, acreage becomes Illinois CREP Acreage and shall be operated and maintained in accordance with an Illinois Conservation Management Plan during the term of the Illinois CREP Grant of Conservation Right and Easement Agreement. Illinois CREP is managed by the local SWCDs and IDNR.

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

### **Section 1515.15 Illinois CREP Grant of Conservation Right and Easement Agreement**

- a) In order to participate in Illinois CREP, Landowners must enroll the entirety of acreage enrolled in a current Federal CREP contract and execute an Illinois CREP Grant of Conservation Right and Easement Agreement. Each Illinois CREP Grant of Conservation Right and Easement Agreement shall address the following issues:
  - 1) The rights granted to IDNR or SWCD by the Landowner;

- 2) The rights reserved by the Landowner;
  - 3) A legal description of the acreage to be enrolled into Illinois CREP;
  - 4) The amount to be paid for the Illinois CREP Grant of Conservation Right and Easement Agreement;
  - 5) An Illinois Conservation Management Plan for the enrolled acreage; and
  - 6) Any other additional terms and conditions agreed upon by the Landowner and IDNR.
- b) Landowners have the option to enter into a permanent Illinois CREP Grant of Conservation Right and Easement Agreement or a 15-year Illinois CREP Grant of Conservation Right and Easement Agreement. Landowners with existing 15-year or 35-year Illinois CREP Grant of Conservation Right and Easement Agreement can enroll in new Illinois CREP Grant of Conservation Right and Easement Agreement or convert to a permanent Illinois CREP Grant of Conservation Right and Easement Agreement.
- c) Illinois CREP Grant of Conservation Right and Easement Agreement become effective depending on the acreage covered:
- 1) For acres subject to a current Federal CREP contract, an Illinois CREP Grant of Conservation Right and Easement Agreement becomes effective upon the expiration or termination of the Federal CREP contract. However, the Illinois CREP Grant of Conservation Right and Easement Agreement is enforceable by IDNR upon its execution;
  - 2) For acres subject to a current Illinois CREP Grant of Conservation Right and Easement Agreement, a future Illinois CREP Grant of Conservation Right and Easement Agreement becomes effective upon the expiration of the current Illinois CREP Grant of Conservation Right and Easement Agreement; and
  - 3) For Additional Acres, an Illinois CREP Grant of Conservation Right and Easement Agreement becomes effective upon the execution of that Illinois CREP Grant of Conservation Right and Easement Agreement.
- d) Illinois CREP Grant of Conservation Right and Easement Agreement will not be modified except for instances of public benefit, including, but not limited to, improvements in transportation and public utilities, issues of public safety, or

when the modification is otherwise in the best interest of the State of Illinois. In cases of modification, IDNR, or the SWCD shall:

- 1) Investigate reasonable alternatives or mitigation to protect the State interests purchased under the Illinois CREP Grant of Conservation Right and Easement Agreement, to the extent practicable; and
- 2) Negotiate with the Landowner and any other appropriate party to modify the Illinois CREP Grant of Conservation Right and Easement Agreement to protect the State interests held under the Illinois CREP Grant of Conservation Right and Easement Agreement, to the extent practicable, if no reasonable alternative is available.

(Source: Added at 46 Ill. Reg. 5986, effective March 30, 2022)

#### **Section 1515.20 Acreage Eligibility**

- a) Illinois CREP Acreage must contain the entirety of all acres enrolled in a current Federal CREP contract or a current Illinois CREP Grant of Conservation Right and Easement Agreement to qualify for the program.
- b) Additional Acres may be enrolled, at IDNR's discretion, in the Illinois CREP Grant of Conservation Right and Easement Agreement in addition to the land currently enrolled in Federal CREP. For purposes of Illinois CREP, Additional Acres must meet all of the following criteria:
  - 1) Land must be immediately contiguous to land currently enrolled in Federal CREP. Land physically located immediately across a road, stream, or river from the land enrolled in Federal CREP will be considered contiguous to this land.
  - 2) Land must be physically located on the same "farm", as defined by FSA at 7 CFR 718.2, as the immediately contiguous land enrolled in Federal CREP.
  - 3) Land must be devoted to a cover that is equivalent to, or exceeds, FSA criteria and standards for one or more eligible Federal CREP conservation practices at the time the Illinois CREP Grant of Conservation Right and Easement Agreement is approved; or devoted to a cover that is equivalent to or exceeds, FSA criteria and standards for one or more eligible Federal CREP conservation practices no later than 12 months after the Illinois CREP Grant of Conservation Right and Easement Agreement is executed.

IDNR will not provide any cost-share or other payment to improve, enhance, or otherwise establish a cover on Additional Acres.

- 4) Land, in combination with the land enrolled in Federal CREP, must further the purposes of Federal CREP and the goals of Illinois CREP to improve water quality and fish and wildlife habitat, and create or expand a corridor for the protection of fish and wildlife.
- 5) Land containing aquatic acres. The total permanent aquatic acres shall not exceed 10% of any Illinois CREP Acreage. Eligibility of intermittent aquatic acres is not limited for enrollment in an Illinois CREP Grant of Conservation Right and Easement Agreement. Aquatic acres are defined as:
  - A) Permanent aquatic acres: perennial streams, rivers, ponds or lakes capable of sustaining fish populations year-round during years receiving normal site precipitation.
  - B) Intermittent aquatic acres: non-perennial or ephemeral streams, rivers, ponds or lakes incapable of sustaining fish populations year-round during years receiving normal site precipitation.
- c) Acres currently encumbered by a conservation related easement or property right, other than Federal CREP or Federal CRP contracts or Illinois CREP Grant of Conservation Right and Easement Agreement, are not eligible for enrollment in Illinois CREP.
- d) IDNR may, at its discretion, extend the environmental and conservation benefits of the Illinois CREP Grant of Conservation Right and Easement Agreement by enrolling an existing 15-year or 35-year Illinois CREP Grant of Conservation Right and Easement Agreement, with no current violations, in a new Illinois CREP Grant of Conservation Right and Easement Agreement for an additional 15 years or into perpetuity.
- e) Acres are not eligible for Illinois CREP if enrolling that acreage would result in payments of greater than \$500,000 or 5% of available Illinois CREP funds, whichever is less, for any given State of Illinois fiscal year to an individual, or consortium of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment.

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

### **Section 1515.30 Enrollment Process**

- a) IDNR will determine if enrollment for Illinois CREP is available based on Illinois CREP appropriations and availability of Federal CREP. IDNR will post notice of Illinois CREP availability on the IDNR CREP website.
- b) Landowners enrolling acreage in Illinois CREP shall initiate the enrollment process through their local SWCD office. If their local SWCD is not participating in Illinois CREP, IDNR will direct the Landowner to an alternative SWCD.
- c) Illinois CREP enrollment shall adhere to the following timing requirements:
  - 1) Landowners enrolling acreage in an Illinois CREP Grant of Conservation Right and Easement Agreement that is subject to a Federal CREP contract enrolled before May 26, 2021 must execute the Illinois CREP Grant of Conservation Right and Easement Agreement prior to the termination date of the Federal CREP contract, unless an extension is granted by IDNR.
  - 2) Landowners enrolling acreage in an Illinois CREP Grant of Conservation Right and Easement Agreement that is subject to a new Federal CREP contract after May 26, 2021 must execute the Illinois CREP Grant of Conservation Right and Easement Agreement within 18 months of execution of the Federal CREP contract, unless an extension is granted by FSA.
  - 3) Landowners enrolling acreage in an Illinois CREP Grant of Conservation Right and Easement Agreement that is subject to an expired Federal CREP contract enrolling acreage, but is under an existing 15-year or 35-year Illinois CREP Grant of Conservation Right and Easement Agreement, have the following options:
    - A) Landowners may request a subsequent 15-year Illinois CREP Grant of Conservation Right and Easement Agreement within the last 18 months of an existing Illinois CREP Grant of Conservation Right and Easement Agreement.
    - B) Landowners may request the conversion of an existing Illinois CREP Grant of Conservation Right and Easement Agreement to a permanent Illinois CREP Grant of Conservation Right and Easement Agreement at any time.
- d) IDNR or the associated SWCD shall assist the Landowner and conduct the enrollment process. Illinois CREP enrollment forms are available on the IDNR

CREP website. A complete Illinois CREP enrollment application shall include the following:

- 1) Signed Illinois CREP enrollment application form;
  - 2) Current Federal CREP Contract (CRP-1) and Federal CREP Worksheet (CRP-2C), if applicable;
  - 3) Current Illinois CREP Grant of Conservation Right and Easement Agreement, if applicable;
  - 4) Property identification information, including aerial photo or satellite imaging depicting the Federal CREP acreage; Illinois CREP Acreage; Additional Acres; and site access routes;
  - 5) Deed;
  - 6) Property tax bills;
  - 7) Letter of commitment for grant of ingress/egress, if applicable;
  - 8) Power of Attorney, if applicable;
  - 9) Current Federal Conservation Plan or Schedule of Operation or an Illinois Conservation Management Plan; and
  - 10) Any additional or clarifying information that may be requested by IDNR.
- e) The Illinois CREP enrollment application will be submitted to the Technical Review Team.
- 1) The Technical Review Team shall conduct an initial review of the enrollment application to:
    - A) Determine if all required documents have been submitted;
    - B) Determine if the proposed Illinois CREP Acreage meets all eligibility requirements of Section 1515.20; and
    - C) Assign an application receipt date and enrollment number.
  - 2) The initial review may result in:



- A) Approval of the enrollment application for further evaluation;
  - B) Suggested changes in the application; or
  - C) Denial of the enrollment application with the basis or reasoning for the denial.
- 3) Upon approval of the enrollment application for further evaluation, the Technical Review Team shall conduct a technical review and negotiate terms of a proposed Illinois CREP Grant of Conservation Right and Easement Agreement to:
- A) Document field conditions of the property, such as the presence of permanent structures, waste dumps, and other uses or conditions;
  - B) Analyze or review any new information obtained by the field review or other sources;
  - C) Prepare a preliminary Illinois Conservation Management Plan of the proposed acreage; and
  - D) Negotiate the following terms of the proposed Illinois CREP Grant of Conservation Right and Easement Agreement:
    - i) Specific acres to be enrolled;
    - ii) The Illinois CREP payment rate for the acres to be enrolled (see Section 1515.50);
    - iii) Estimated Illinois CREP Grant of Conservation Right and Easement Agreement payment;
    - iv) Estimated Illinois CREP cost-share payment, if any; and
    - v) Preliminary Illinois Conservation Management Plan.
- 4) Upon completion of the technical review and negotiation of the proposed Illinois CREP Grant of Conservation Right and Easement Agreement, the Technical Review Team may:
- A) Approve the enrollment application for further processing of the proposed Illinois CREP Acreage, as identified; or

- B) Deny the enrollment application, with the basis and reasoning for the denial.
- f) The Landowner will be provided with a preliminary draft of the proposed Illinois CREP Grant of Conservation Right and Easement Agreement reflecting the negotiated terms.
- 1) If the Landowner approves of the preliminary draft, the Landowner shall provide the approval using a form provided by IDNR.
  - 2) If the Landowner cancels or withdraws from the Illinois CREP enrollment process after providing written approval of the preliminary draft, but prior to the closing on the Illinois CREP Grant of Conservation Right and Easement Agreement, the Landowner shall be required to pay costs incurred by the SWCD and IDNR after the date of approval. These costs include: administrative costs for meetings and field visits; costs associated with completing Illinois CREP documents and executing the Illinois CREP Grant of Conservation Right and Easement Agreement; attorney fees; survey expenses; title work; and other SWCD costs. IDNR will send written notice to the Landowner requesting payment with a summary of the costs incurred from the written approval date through the date of cancellation or withdrawal.
- g) IDNR will confirm the necessary title and land rights for the purchase of the Illinois CREP Grant of Conservation Right and Easement Agreement.
- 1) IDNR or SWCD and the Landowner shall address, if necessary, the following property issues including:
    - A) Title commitments and title insurance policies;
    - B) Mortgage subordinations, if applicable;
    - C) Survey of proposed acreage, if IDNR determines a survey is necessary; and
    - D) Any other appropriate property issues.
  - 2) If IDNR determines that any condition of the property or its title is incompatible with the proposed Illinois CREP requirements, IDNR will notify the SWCD and the Landowner and suspend the Illinois CREP enrollment process until the incompatible condition of the property or in the property title is resolved. If the incompatible condition cannot be

resolved on a timely basis, IDNR may terminate the enrollment process, with notice to the SWCD and the Landowner.

- h) Upon IDNR approval of the necessary title and land rights, the SWCD or IDNR and the Landowner will close on the purchase of the Illinois CREP Grant of Conservation Right and Easement Agreement. All executed Illinois CREP Grant of Conservation Right and Easement Agreement shall be recorded with the local County Recorder.
- i) If, at any time during the enrollment process set forth in this Section, IDNR determines that insufficient funds are available to complete the purchase of an Illinois CREP Grant of Conservation Right and Easement Agreement, IDNR or the SWCD will notify the Landowner of this situation and the enrollment process shall be delayed until sufficient funding becomes available. Should an enrollment process be delayed for lack of sufficient funds, the Landowner may elect to wait for sufficient funding or elect to terminate the enrollment process at no cost to the Landowner.

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

#### **Section 1515.40 Exceptions to Enrollment Process (Repealed)**

(Source: Repealed at 46 Ill. Reg. 5986, effective March 30, 2022)

#### **Section 1515.50 Payments**

Illinois CREP payments will be based upon the following formulas:

- a) Illinois CREP Grant of Conservation Right and Easement Agreement Payments
  - 1) The payment for an initial permanent Illinois CREP Grant of Conservation Right and Easement will be a one-time payment equal to the total number of acres enrolled, multiplied by the Illinois CREP payment rate (calculated at the time of the preliminary agreement as the weighted average of the individual federal CRP soil rental rates determined by FSA associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any federal incentive payments), multiplied by 30 years, multiplied by 15% to discount the partial restrictions on the property.
  - 2) The payment for an initial 15-year Illinois CREP Grant of Conservation Right and Easement Agreement will be a one-time payment equal to the total number of acres enrolled, multiplied by the Illinois CREP payment

rate (calculated at the time of preliminary agreement as the weighted average of the individual Federal CRP soil rental rates determined by FSA associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any Federal CREP incentive payments), multiplied by 15 years, multiplied by 25% to discount the partial restrictions on the property.

- 3) The payment for a conversion of an existing Illinois CREP Grant of Conservation Right and Easement Agreement to a permanent Illinois CREP Grant of Conservation Right and Easement Agreement will be a one-time payment equal to the total number of acres enrolled, multiplied by the Illinois CREP payment rate (calculated at the time of the preliminary agreement as the weighted average of the individual Federal CRP soil rental rates as determined by FSA associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any federal CREP incentive payments), multiplied by 30 years, multiplied by 15% to discount the partial restrictions on the property, the total of which is reduced by the amount equal to the original Illinois CREP Grant of Conservation Right and Easement Agreement payment.
  - 4) The payment for a subsequent 15-year Illinois CREP Grant of Conservation Right and Easement Agreement within the last 18 months of an existing Illinois CREP Grant of Conservation Right and Easement Agreement will be a one-time payment equal to the total number of acres enrolled, multiplied by the Illinois CREP payment rate (calculated at the time of preliminary agreement as the weighted average of the individual Federal CRP soil rental rates, as determined by FSA, associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any Federal CREP incentive payments), multiplied by 15 years, multiplied by 25% to discount the partial restrictions on the property.
- b) Illinois CREP Cost-Share Payments
- 1) Landowners who enroll in a new Illinois CREP Grant of Conservation Right and Easement Agreement may receive cost-share payments if their current Federal CREP contract provides a federal cost share payment for the installation or maintenance of Federal CRP conservation practices.
  - 2) The Illinois CREP cost-share payment will equal the cost-share payments provided by FSA to the Landowner for the establishment of Federal CRP conservation practices on Federal CREP Acreages.

- c) Mechanics of Payment
  - 1) The SWCD shall submit an invoice to IDNR indicating the Illinois CREP Grant of Conservation Right and Easement Agreement payment amount for the Landowner. Upon approval of the invoice, IDNR will submit a payment to the SWCD. The Illinois CREP Grant of Conservation Right and Easement Agreement payment will be distributed to the Landowner by the SWCD at closing.
  - 2) The SWCD will submit an invoice to IDNR for the Illinois CREP cost-share payments. The Illinois CREP cost-share invoice must include copies of the associated FSA cost-share forms (FSA Cost-Share Agreement (FSA-848A) and FSA Cost-Share Performance Certification and Payment (FSA-848B)). Upon approval of the invoice, IDNR will submit a payment to the SWCD. Illinois CREP cost-share payments will be distributed to the Landowner by the SWCD.

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

#### **Section 1515.60 Violation (Repealed)**

(Source: Repealed at 46 Ill. Reg. 5986, effective March 30, 2022)

#### **Section 1515.70 Illinois Conservation Management Plans**

- a) Illinois CREP Acreage shall be operated and maintained by Landowners pursuant to an Illinois Conservation Management Plan for the duration of the Illinois CREP Grant of Conservation Right and Easement Agreement.
- b) Illinois Conservation Management Plans are to be negotiated between IDNR and the Landowner during the Illinois CREP enrollment process. Illinois Conservation Management Plans are an enforceable component of the Illinois CREP Grant of Conservation Right and Easement Agreement.
- c) Illinois Conservation Management Plans shall be designed to further the following Illinois CREP programmatic goals, listed in order of priority:
  - 1) Protect and enhance water quality;
  - 2) Protect and enhance general wildlife habitat;
  - 3) Protect and enhance general aquatic habitat;

- 4) Protect threatened and endangered species; and
  - 5) Promote outdoor recreation.
- d) Illinois Conservation Management Plans document current Illinois CREP Acreage conditions and set forth conservation management strategies and actions. Plans will specifically address the following on enrolled acres:
- 1) Documentation of the status of the enrolled acres related to each of the programmatic goals set forth in subsection (c);
  - 2) Required and recommended conservation management strategies and actions for Landowner implementation to meet the goals set forth in subsection (c);
  - 3) Required and recommended direction on Landowner usage, development, and construction activities;
  - 4) Required and recommended actions on roads or trails;
  - 5) Required installation of Illinois CREP signage, if applicable;
  - 6) Voluntary inclusion of scientific research, if applicable; and
  - 7) Any other issues appropriate to the enrolled acres.
- e) Illinois Conservation Management Plans may only be modified by written agreement of IDNR or an SWCD and the Landowner. Landowners must request modifications to their Plan in writing to IDNR or the SWCD. IDNR and the SWCD shall only approve requested modifications that:
- 1) Protect the Illinois CREP programmatic goals set forth in subsection (c); and
  - 2) Apply to acreage that is not in violation of the Illinois CREP Grant of Conservation Right and Easement Agreement, unless the modification is part of an agreement to correct the violation.

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

### **Section 1515.75 Monitoring Access, Landowner Information Requests, and Signage**

- a) The Landowner shall allow access to IDNR and SWCD for compliance monitoring and violation enforcement site visits and to take site photographs for each Illinois Grant of Conservation Right and Easement Agreement.
- b) IDNR will provide copies of monitoring records, Illinois Conservation Management Plans, and Illinois CREP Grant of Conservation Right and Easement Agreement upon request.
- c) The Landowner shall meet with the SWCD or IDNR, as requested, to discuss any provision of the Illinois CREP Grant of Conservation Right and Easement Agreement in order to resolve all issues of noncompliance and violations.
- d) Landowners shall install and maintain Illinois CREP signage, if signage is provided by IDNR. Signage will be located as described in the signage terms of the Illinois Conservation Management Plan.

(Source: Added at 46 Ill. Reg. 5986, effective March 30, 2022)

#### **Section 1515.80 Modifications to Grant of Conservation Right and Easement (Repealed)**

(Source: Repealed at 46 Ill. Reg. 5986, effective March 30, 2022)

#### **Section 1515.90 Violations**

- a) Landowners are solely responsible and liable for complying with the terms of the Grant of Conservation Right and Easement Agreements.
- b) Upon determination of a violation of an Illinois CREP Grant of Conservation Right and Easement Agreement, IDNR or the SWCD shall proceed as follows:
  - 1) If it is determined that there is a reasonable probability that the violation will be corrected by agreement with the Landowner, a notice of violation shall be provided to the Landowner and shall include:
    - A) Information identifying the violation and the location of the acreage;
    - B) Citation to the term of the Illinois CREP Grant of Conservation Right and Easement Agreement violated;
    - C) Required corrective action to cure the violation; and
    - D) Time period for the required corrective action.

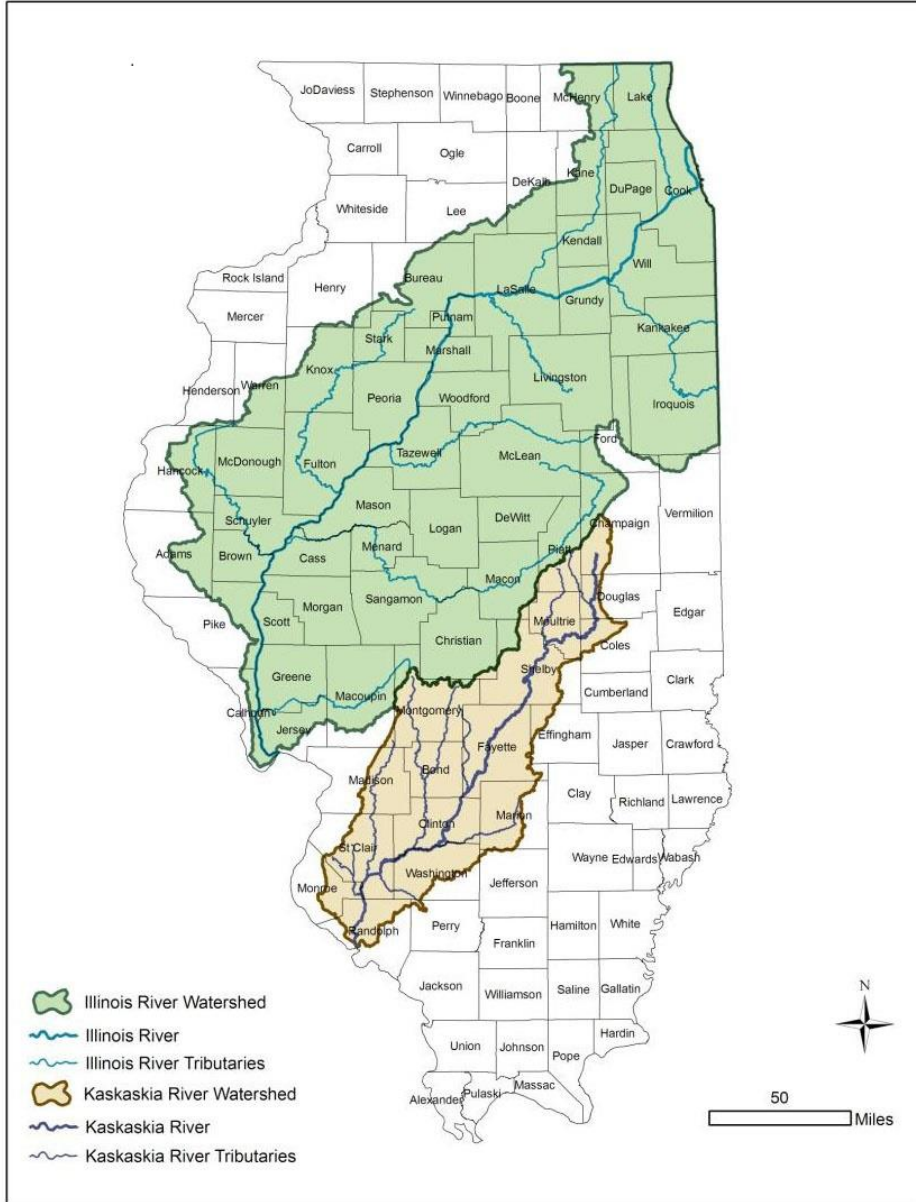
- 2) If it is determined that there is not a reasonable probability that the violation will be corrected by agreement with the Landowner, that the violation was intentional, or that the violation will cause significant damage to the acreage, the violation will be directly referred for enforcement as set forth in subsection (f).
- c) IDNR or the SWCD may negotiate terms for correcting a violation. If the parties agree to terms different than the original notice of violation, an amended notice of violation will be issued to the Landowner.
- d) IDNR or the SWCD may cause a notice of violation to be recorded with the County Recorder's Office in the county where the Illinois CREP Acreage is located. If a notice of violation is recorded, IDNR or the SWCD will likewise record any amended notice of violation.
- e) If the Landowner satisfactorily corrects a violation, IDNR or the SWCD shall issue a notice of corrected violation to the Landowner. IDNR or the SWCD will also record the notice of corrected violation, if a notice of violation was filed pursuant to subsection (d).
- f) If the Landowner fails to satisfactorily correct a violation, IDNR or the SWCD shall refer the violation to the Illinois Attorney General, or other appropriate entity, for judicial enforcement. Judicial enforcement of an Illinois CREP Grant of Conservation Right and Easement Agreement may result in the following:
  - 1) Correction of the violation;
  - 2) Payment of all costs associated with the enforcement action; and
  - 3) Payment of a civil penalty based on the culpability of the Landowner and the significance of the damage to the acreage, not to exceed the amount of the Landowner's Illinois CREP Grant of Conservation Right and Easement Agreement payment.
- g) Payments for violations by the Landowner shall not be construed as a buy-out of the Illinois CREP Grant of Conservation Right and Easement Agreement by either IDNR or the SWCD and shall not release the Landowner from, or waive any terms of, the Illinois CREP Grant of Conservation Right and Easement Agreement.
- h) Payments for violations of Illinois CREP Grant of Conservation Right and Easement Agreement shall be deposited into the Illinois Habitat Fund (see 520



ILCS 25).

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

**Section 1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River Watersheds**



(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)

**Section 1515.EXHIBIT B List of CREP Eligible Illinois Soil and Water Conservation Districts (Repealed)**

(Source: Repealed at 46 Ill. Reg. 5986, effective March 30, 2022)