

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

PART 1515
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

- 1515.5 Definitions
- 1515.10 General Provisions
- 1515.20 Eligibility Requirements
- 1515.30 Enrollment Process
- 1515.40 Exceptions to Enrollment Process
- 1515.50 Payments
- 1515.60 Violation
- 1515.70 Compliance and Easement Stewardship
- 1515.80 Modifications to Grant of Conservation Right and Easement
- 1515.90 Transfer of a Grant of Conservation Right and Easement

- 1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River Watersheds
- 1515.EXHIBIT B List of CREP Eligible Illinois Soil and Water Conservation Districts

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], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois [20 ILCS 805/Part 13.5].

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.

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.

"CRP Soil Rental Rates" means the price values that are associated with each soil type and that are used to calculate payments to CRP contract holders.

"Commodity Credit Corporation" or "CCC" means the federal government-owned and -operated entity that was created to stabilize, support and protect farm income and prices under the federal Food and Security Act of 1985, as amended (16 USC 3830 et seq.) and its regulations.

"Conservation Plan" means a detailed prescription for managing and/or restoring land for ecological benefit.

"Conservation Practices" or "CP" means commonly used conservation methods developed and described by the USDA-NRCS in its National Handbook of Conservation Practices. Individual states can adopt the CP, with or without modifications as needed for state variations in soils, climate and topography. The CP are designed to improve natural resources with respect to soil, water, air, plants and animals plus humans (SWAPA+H) and include:

CP9 (Shallow Water Areas for Wildlife) – intended to develop or restore shallow water areas, to an average depth of 6 to 18 inches, for wildlife;

CP11 (Vegetative Cover – Trees Already Established) – used to identify land established to trees that is under CRP contract at the time the acreage is offered for enrollment in CRP and the producer elects to reoffer the acreage to be devoted to trees;

CP12 (Wildlife Food Plot) – intended to establish annual or perennial wildlife food plots that will enhance wildlife or wildlife habitat;

CP2 (Establishment of Permanent Native Grasses) – intended to establish a vegetative cover of native grasses on eligible cropland that will enhance environmental benefits;

CP21 (Filter Strip) – intended to remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body;

CP22 (Riparian Buffer) – intended to:

remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and subsurface

water quality while enhancing the ecosystem of the water body;
and

create shade to lower water temperature to improve habitat for aquatic organisms and to provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.

CP23 (Wetland Restoration) – intended to restore the functions and values of wetland ecosystems that have been devoted to agriculture use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or a qualified Technical Service Provider;

CP25 (Rare and Declining Habitat) – intended to restore the functions and values of critically endangered, endangered and threatened habitats. The extent of the restoration is determined by the specifications developed at the state level;

CP3 (Tree Planting) – intended to establish a stand of trees in a timber planting that will enhance environmental benefits;

CP39 (Constructed Wetland) – intended to improve water quality by increasing nutrient and sediment trapping efficiencies as well as increase wildlife habitat in row cropped agricultural drained land;

CP3A (Hardwood Tree Planting) – intended to establish a stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits;

CP4D (Permanent Wildlife Habitat, Noneasement) – intended to establish a permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated or surrounding areas.

"Conservation Reserve Enhancement Program" or "CREP" means the State of Illinois land conservation program administered by the Department of Natural Resources to enhance:

water quality by reduction of sediment and nutrients; and

wildlife habitats for rare and declining species as well as for State and federally listed threatened and endangered species in the Illinois River and Kaskaskia River watersheds, as identified in Exhibit A.

"Conservation Reserve Program" or "CRP" means the federal land conservation program administered by the USDA Farm Service Agency. In exchange for a yearly rental payment, farmers enrolled in the federal CRP agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality.

"Continuous CRP Signup" means a subset of federal CRP that allows landowners to enroll land into conservation practices year-round. Conservation practices eligible for continuous signup may have limits on size or width and may be linear in shape (e.g., along field edges or bodies of water).

"Cost-Share Payments" means payments made to CRP/CREP participants to pay for a set percentage of the cost of conservation practice installation.

"Department" or "IDNR" means the Illinois Department of Natural Resources.

"Erodibility Index" or "EI" means the technical value calculated by dividing all potential erosion sources by the maximum average soil loss (in tons) that will still allow the current level of crop production in the future. This index is used to determine highly erodible land.

"Farm Service Agency" or "FSA" means the division of USDA that administers many farm commodity, crop insurance, credit, environmental, conservation and emergency assistance programs for farmers and ranchers.

"Farmed Wetlands" means the wetland areas that were partially drained or altered to improve crop production prior to the enactment of the Food and Security Act of 1985 (1985 Farm Bill), effective December 23, 1985. Farmed wetlands may be farmed in a manner consistent with farming practices prior to the effective date of the 1985 Farm Bill, and the drainage may be maintained to the same wetland conditions that were in place before December 23, 1985.

"General CRP Signup" means a subset of the federal CRP with a specific timeframe designated by USDA that may include the full spectrum of conservation practices that are typically eligible during general signups and allowing for large CRP enrollment acreages.

"Grant of Conservation Right and Easement" means a legally binding document that specifies the rights that a landowner has relinquished or retains by the granting of a conservation right and easement.

"Highly Erodible Land" or "HEL" means land or riparian areas within the 100 year floodplain that is susceptible to erosion as determined by USDA-NRCS and has an EI of at least 8.

"Illinois Wildlife Action Plan" means a comprehensive plan that describes the particular needs of wildlife that are declining in Illinois so that populations can be stabilized and increased and that outlines specific geographic areas where efforts can be focused to achieve the greatest benefit.

"Maximum CRP Rental Rates" means the overall rental payment per acre that is calculated using the three predominant soil types that make up an area to be enrolled in CRP. A weighted average of the individual rates associated with each soil type determines the overall rental payment per acre.

"National CRP Directives" means the federal amendments to the FSA Handbook (2-CRP; revision 5), available on the FSA website (www.fsa.usda.gov/il) and the IDNR website (www.dnr.state.il.us).

"Natural Resources Conservation Service" or "NRCS" means the division of USDA that serves as the primary federal agency working with private landowners to assist with conserving, maintaining and improving their natural resources.

"Non-cropped Acres" means acreage where an approved agricultural commodity is not produced, but that may be eligible to be included as additional acres in a permanent CREP easement when enrolled in conjunction with other cropland acres.

"Practice Incentive Payment" or "PIP" means a one-time payment made to CRP participants when the first conservation practice is installed on land enrolled in CRP.

"Prior Converted Wetlands" means wetland areas that were fully altered or improved for agriculture before the enactment of the 1985 Farm Bill (effective December 23, 1985) and have no restrictions on either drainage maintenance or additional drainage on these areas.

"Riparian Areas" or "Riparian Buffer Areas" means land along a river or stream.

"Signup Incentive Payment" or "SIP" means a one-time payment made to federal CRP participants when they sign up for the federal CRP program.

"Soil and Water Conservation District" or "SWCD" means the local county government entity in Illinois that provides technical assistance and tools to

manage and protect land and water resources in its respective county or counties and that works cooperatively with IDNR to manage the State CREP. (See list of SWCDs in Exhibit B.)

"Technical Service Provider" or "TSP" means an individual certified to provide technical assistance on behalf of USDA for purposes of conservation planning and design, layout, installation and checkout of approved conservation practices.

"U.S. Department of Agriculture" or "USDA" means the federal government entity that is authorized to promote public policy regarding agriculture, natural resources and conservation of the nation's natural resources through restored forests, improved watersheds and healthy private working lands and to promote cooperative efforts between state and local government entities and the private sector.

"USDA Form AD-245" means the document issued by USDA-FSA that is reviewed and signed by the landowner, represents the landowner's official request for cost-share through CRP, and details the amounts to be paid to the landowner.

"USDA Form AD-862" means the document issued by USDA-FSA that is completed by a designated and qualified official to evaluate the condition and success of conservation practices associated with a CRP contract.

"Watershed" means an area of land where surface water from precipitation converges at a lower elevation and where the water joins another waterbody, such as a river, lake or wetland.

"Wetlands Farmed under Natural Conditions" means an area that meets wetland criteria, but has not been drained or otherwise altered to eliminate normal wetland function.

"Wetlands" means land that:

has a predominance of hydric soils that were formed under conditions of saturation, flooding, ponding long enough during a growing season to develop anaerobic conditions in the upper part of the soils;

is inundated or saturated by surface of groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated solid conditions; and

supports a prevalence of such vegetation under normal conditions. (See USDA-NRCS Wetland Reserve Program Manual – Section 514.70, Definitions "SS".)

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.10 General Provisions

The Conservation Reserve Enhancement Program is a voluntary State incentive program designed to address water quality and wildlife habitat concerns within the Illinois River and Kaskaskia River Watersheds (see Exhibit A). As described in the Agreement between USDA-Commodity Credit Corporation and State of Illinois (effective October 25, 2010), the Illinois CREP is a state partner with the federal Conservation Reserve Program. The Illinois CREP is designed to provide additional incentives and opportunities for landowners to restore, enhance and protect environmentally sensitive lands within both watersheds. Eligible lands may be retired and protected for 15 or 35 years or in perpetuity. The Illinois CREP will be managed locally by the SWCDs, with support from local non-governmental organizations (NGOs), and in cooperation with IDNR.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.20 Eligibility Requirements

Lands that meet the eligibility criteria for federal CRP contracts, as determined by FSA and Section 1515.40(c), are eligible for enrollment in the State CREP Program.

- a) The acres to be enrolled under CREP must consist of eligible land located within the Illinois and/or Kaskaskia River Watersheds (see Exhibit A). Eligible acres include the following:
 - 1) Flooded and/or wetland riparian areas, which, for this purpose, shall be defined to be cropland or marginal pastureland that is either:
 - A) within the 100-year floodplain of the Illinois or Kaskaskia River and its tributary stream systems; or
 - B) for wetland restoration purposes only, located within the watersheds and determined by NRCS to be either a "farmed wetland" or "prior converted wetland", as defined in Section 1515.5.
 - 2) Highly erodible riparian areas, which are croplands that have a weighted average EI of 8 or greater as determined by FSA and are located

immediately adjacent to a riparian area within the 100-year floodplain. The eligible adjacent riparian area must be enrolled in CREP or another CRP enrollment opportunity.

- 3) Eligible lands may also be adjacent to lands enrolled under subsections (a)(1) and (2), if determined to be infeasible to farm according to National CRP Directives.
- b) CRP conservation practices eligible for CREP enrollments and cost-share assistance are listed in subsections (b)(1) through (4).
- 1) For lands qualifying as riparian buffers or wetlands:
 - A) CRP Conservation Practice CP 3A (Hardwood Tree Planting)
 - B) CRP Conservation Practice CP 4D (Permanent Wildlife Habitat, Noneasement)
 - C) CRP Conservation Practice CP 9 (Shallow Water Areas for Wildlife)
 - D) CRP Conservation Practice CP 11 (Vegetative Cover – Trees – Already Established)
 - E) CRP Conservation Practice CP 12 (Wildlife Food Plot)
 - F) CRP Conservation Practice CP 21 (Filter Strip)
 - G) CRP Conservation Practice for Cropland and Marginal Pastureland CP 22 (Riparian Buffer)
 - H) CRP Conservation Practice CP 23 (Wetland Restoration)
 - I) CRP Conservation Practice CP 25 (Rare and Declining Habitat)
 - 2) For lands qualifying on the basis of erodibility (lands with an EI \geq 8):
 - A) CRP Conservation Practice CP 2 (Establishment of Permanent Native Grasses)
 - B) CRP Conservation Practice CP 3 (Tree Planting)
 - C) CRP Conservation Practice CP 3A (Hardwood Tree Planting)

- D) CRP Conservation Practice CP 4D (Permanent Wildlife Habitat, Noneasement)
- E) CRP Conservation Practice CP 12 (Wildlife Food Plot)
- F) CRP Conservation Practice CP 25 (Rare and Declining Habitat)
- 3) For lands qualifying on a wetland basis within the 100-year floodplain:
 - CRP Conservation Practice CP 39 (Farmable Wetland Program – Constructed Wetland)
- 4) Additional practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for use on the enrolled property. Exception can be made to eligible practices or to standards within a conservation practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.30 Enrollment Process

- a) An applicant for CREP must be enrolled in CRP or comply with the criteria in Section 1515.40.
- b) An applicant for CREP shall initiate the enrollment process through the appropriate SWCD office (see Exhibit B). If an SWCD decides not to hold the 15-year, 35-year or permanent easements for that county, IDNR will work with the landowner to complete the enrollment process. The applicant shall complete a CREP enrollment form that specifies the desired option: a 15-year easement, a 35-year easement or a permanent easement.
- c) The SWCD shall assist the CREP applicant and shall use IDNR prescribed CREP enrollment forms that are available online at www.dnr.illinois.gov/CREP enrollment. A complete CREP enrollment application shall include the following:
 - 1) A CREP application form with the specific easement option;
 - 2) Landowner identification information;
 - 3) Landowner signature form;

- 4) Approved FSA CRP Contract (CRP-1);
 - 5) Approved FSA Conservation Reserve Program Worksheet (CRP-2C);
 - 6) Property identification information, including aerial photo depicting federal CRP acres; CREP additional acres; and site access routes;
 - 7) IDNR Soil Rental Rate (SRR) calculation form;
 - 8) Deed;
 - 9) Tax bills;
 - 10) Letter of commitment for grant of ingress/egress, if applicable;
 - 11) Power of Attorney, if applicable;
 - 12) Approved NRCS Conservation Plan – Schedule of Operation; and
 - 13) Any additional or clarifying information that may be requested by IDNR.
- d) The SWCD shall submit the CREP enrollment application and the FSA approved CRP contract to IDNR at DNR.CREP@illinois.gov on behalf of the applicant. An enrollment number and receipt date will be assigned to the enrollment application. The enrollment number, approval date or waiting list status information shall be e-mailed to the SWCD office to confirm funding allocation or the appropriation status for the approved enrollment application.
- e) The State CREP enrollment application will be reviewed by the IDNR CREP Technical Review Team to determine if all necessary documents have been submitted by the SWCD.
- 1) If the enrollment application is complete, IDNR will conduct the following review:
 - A) An initial technical review that may result in:
 - i) approval of the application for further evaluation;
 - ii) suggested changes in the application; or
 - iii) nonapproval of the application;

- B) A field review for each offered easement site to document field conditions of the property, such as absence of permanent structures, waste dumps and other uses or conditions;
 - C) A final technical review of the offered easement with any new information obtained by the field review or other sources; and
 - D) A finding that may:
 - i) approve the enrollment application for further processing to authorize the offered easements, as identified;
 - ii) offer changes for the enrollment application; or
 - iii) deny the enrollment application with findings for suggested changes.
- 2) The applicant may withdraw from the process, accept the changes, or propose other options to modify the enrollment application.
- f) If the CREP enrollment application is approved by IDNR, the applicant shall acknowledge receipt of the IDNR approval in writing. Upon receipt of applicant's written acknowledgement, the proposed easement project will be eligible for CREP funding. If sufficient funding under the CREP appropriation is not available for that fiscal year, the enrollment application will be assigned an enrollment number and date and placed on an enrollment waiting list pending future CREP appropriations.
 - g) When the CREP enrollment application is accepted for funding, the applicant shall work with the SWCD to execute a 15-year, 35-year or permanent easement document, as approved by IDNR and to record the appropriate documents with the County Recorder in accordance with the prescribed CREP procedures further detailed in the IDNR CREP manual (Part V-State CREP Title, Legal, Survey and Closing).
 - h) If the applicant cancels his/her CREP enrollment or withdraws from the CREP enrollment process after the application has been accepted for funding, but prior to the recording or granting of any conservation easements, IDNR will seek repayment from the applicant of the costs incurred by the SWCD and IDNR during the CREP enrollment process. These costs may include: administrative costs for meetings and field visits, costs associated with completing CREP documents and executing the easement, attorney fees, surveys, title work, cost-

share payments, recording fees and other SWCD costs. IDNR will send a written notice to the applicant requesting repayment, with a summary of the enrollment costs incurred from the acceptance date of the enrollment through the date of cancellation or withdrawal.

- i) If IDNR determines that any condition of the property or its title is incompatible with the proposed CREP conservation easement, IDNR will notify the SWCD and applicant, suspending the CREP enrollment process until the incompatible condition in the property title is resolved. If that incompatible condition cannot be resolved on a timely basis, IDNR may terminate the enrollment process with notice to the applicant.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.40 Exceptions to Enrollment Process

- a) Landowners with acres that are subject to a pre-existing restrictive covenant that gives to the State the rights provided by a CREP 15-year, 35-year or permanent easement, or landowners who are restoring the acres for wetland mitigation from a State or federal action, are ineligible for CREP bonus payments and cost-share payments.
- b) As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CREP 15-year, 35-year or permanent easements for willing CREP landowners. The holding entity must contact IDNR with a signed list of willing landowners, including binding commitments from those landowners. IDNR will assist the entity with the enrollment process. Upon completion of the enrollment process, the entity shall execute the 15-year, 35-year or permanent easements, administer all required easement obligations, and provide annual monitoring summary reports to IDNR by September 30 of each year.
- c) Landowners with acres enrolled in federal CRP sign-ups in Illinois CREP eligible areas are eligible to enroll the CRP acres into CREP 15-year, 35-year or permanent easements and additional non-cropped acres into CREP permanent easements if:
 - 1) the landowner is required to enroll and obtain a CREP permanent easement for a federal and/or State watershed project; and/or
 - 2) the CRP acres and non-cropped acres meet all other Illinois CREP eligibility requirements; and

- 3) appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a CREP permanent easement.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.50 Payments

Payments will be provided to the landowner upon execution of the contract supplement or permanent easement at closing of the CREP enrollment process based upon the following formulas:

- a) Bonus Payments
 - 1) Payment for Permanent Easements
 - A) The payment to a landowner for a voluntary permanent CREP easement will be a lump sum payment equal to the CRP maximum annual soil rental rate as determined by FSA (based on soil types, exclusive of any federal incentive payments) times 15 years times 30% times number of acres enrolled. A minimum of 20 acres is required for CRP sign-up. If, however, the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the CRP sign-up if the acres have been approved by IDNR on the basis of location and relationship with adjacent enrollments.
 - B) If the landowner elects a permanent CREP easement option, additional cropped or non-cropped acres adjacent to acres that satisfy Section 1515.20 criteria, or acres in another CRP sign-up may be eligible for payment for a permanent CREP easement. (See Section 1515.20.) The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment (see subsection (c)(1)) for permanent easements, using the soil types on the additional acres. However, the landowner will not receive any CREP cost-share payment for any conservation practice previously established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another federal and/or State cost-share program to implement acceptable conservation practices on additional acres. CPs that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR. (See subsection (b).) The eligibility criteria for a permanent easement on additional acres are:

- i) the acres are in riparian areas within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems (see Exhibit A) or the acres have an $EI \geq 8$ and need to be enrolled to meet the 20 acre minimum for permanent easements, or have been approved by IDNR because their location contributes significantly to addressing watershed and water quality issues;
 - ii) the acres are adjacent to cropped acres enrolled in a CREP permanent easement or are adjacent to the stream but on the opposite stream bank (same landowner); and
 - iii) the acres are already in acceptable conservation practices based on soil types and wildlife benefits or the landowner is willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign-up) offered for permanent easement.
- 2) **Payment for 15-Year Easement**
The payment to a landowner for a 15-year easement will be a lump sum payment that will equal 50% of the payment for a voluntary, permanent easement, which is determined as follows: CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled.
- 3) **Payment for 35-Year Easement**
The payment to a landowner for a 35-year easement will be a lump sum payment that will equal 75% of the payment for a voluntary, permanent easement, which is determined as follows: CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled.
- 4) For those landowners who amend an existing CREP conservation easement from a 15-year easement or a 35-year easement to a permanent easement, the payment to the landowner will be as follows:
 - A) **Payment for 15-year Easement Amended to a Permanent Easement**
The payment to a landowner for a 15-year easement amended to a

permanent easement will be the formulas found in subsections (a)(1)(A) and (B) minus the lump sum payment that will equal 50% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement).

B) Payment for a 35-year Easement Amended to a Permanent Easement

The payment to a landowner for a 35-year easement amended to a permanent easement will be the formulas found in subsections (a)(1)(A) and (B) minus the lump sum payment that will equal 75% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 35-year easement).

- 5) For those landowners who amend their existing CREP conservation easement from a 15-year easement to a 35-year easement, the payment to the landowner will be the formulas found in subsection (a)(3) minus the lump sum payment that will equal 50% of the payment for the voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement).

b) Landowner Cost-Share Payments

Landowners who enter the State CREP will also receive cost-share payments for the installation of CREP approved CPs based on the following formulas:

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a 50% cost-share rate from the State based upon FSA guidelines for the installation of CREP approved CPs. The amount of reimbursement to a landowner from all sources may not exceed 100% of the cost-share rate of the practice established by FSA.
- 2) Landowners who enter into a 15-year or 35-year easement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions, or acres enrolled on the basis of erodibility ($EI \geq 8$), will receive reimbursement at a 40% cost-share rate from the State based upon FSA guidelines for the installation of CREP approved CPs. The amount of reimbursement to a landowner from all sources may not exceed 100% of the cost-share rate of the CP established by FSA.

- 3) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40(c) are not eligible for State CREP cost-share payment for any conservation practice previously established on these acres. CPs that enhance or create habitat or desired environment as part of an IDNR approved CREP conservation plan may be eligible for cost-share on the enrolled property. If applicable, the landowner may use another federal and/or State cost-share program to implement acceptable CPs on these acres.
 - 4) Landowners who have a recorded permanent CREP conservation easement and approved conservation plan may be eligible to receive financial and technical assistance for long-term improvements of conservation practices to enhance or restore declining habitats to benefit wildlife species in greatest need of conservation, as defined in the IDNR 2005 Illinois Wildlife Action Plan (<http://www.dnr.illinois.gov/conservation/IWAP/documents/WildlifeActionPlan.pdf>), with the overall goal of improving water quality within the CREP watersheds. For CPs that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100% of any payments for the approved practice.
- c) Mechanics of Payment
- 1) For executed 15-year, 35-year and permanent easements, the SWCD shall complete an invoice voucher and submit to IDNR a request for a lump sum bonus payment to the landowner.
 - 2) The SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA forms AD-862 and completed USDA form AD-245.
 - 3) No individual, or consortium of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or 5%, whichever is less, of available CREP State funds for any given State fiscal year.
 - 4) Total available funds for conservation practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or 5%, whichever is less, of available CREP State funds for any given State fiscal year.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.60 Violation

- a) Landowners who have been determined to violate the terms of their 15-year, 35-year or permanent easement shall:
 - 1) restore the conservation practices in full, according to the terms of the 15-year, 35-year or permanent easement, at their own expense within a reasonable time frame agreed to by IDNR, the SWCD and the landowner; or
 - 2) refund to IDNR the total of all money from the State lump sum payment, the State cost-share payment, the amount paid to the SWCD by IDNR for administrative costs to enroll the land and hold the easement;
 - 3) refund attorney fees paid by the SWCD;
 - 4) pay survey costs, title work, cost-share payments and recording fees; and
 - 5) pay a 15% per annum penalty fee (15% of the total of all State payments made to the county SWCD for the easement times the number of years the easement has been in effect).
- b) Except upon a recommendation for enforcement by IDNR that seeks a revocation of a conservation right and easement, any payment for violation or refund payment by the landowner shall not be construed as a buy-out of a conservation easement by either IDNR or the SWCD, and shall not release the landowner or the grantor from the terms of the Grant of Conservation Right and Easement.
- c) Any payment for violation or refund that is collected from a landowner who has been determined to violate the terms of the Grant of Conservation Right and Easement may be deposited into the Illinois Habitat Fund (see 520 ILCS 25).

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.70 Compliance and Easement Stewardship

- a) The landowner shall allow access to IDNR and the SWCD for monitoring site visits and to take site photographs at least once every three years for each CREP conservation easement held by the SWCD.

- b) Monitoring reports and site photographs shall be submitted to IDNR on a triennial basis. The landowner may request a copy of the monitoring reports. The reports may include the CREP Easement Monitoring Inspection Report, the CREP monitoring checklist, and the conservation plan, including any site operation schedules, with a baseline data report and other data related to the condition observed at the CREP conservation easement property.
- c) The landowner shall allow access to the site for an annual verification of ownership by IDNR and/or the SWCD.
- d) The landowner shall meet with the SWCD or IDNR, as requested, to discuss any provision of the Grant of Conservation Right and Easement in order to resolve all issues of noncompliance and violations.

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2017)

Section 1515.80 Modifications to Grant of Conservation Right and Easement

- a) Storage Buildings
 - 1) Landowners may apply for approval from IDNR to amend the Restrictions and Covenants of their CREP Grant of Conservation Right and Easement and to build a storage building to aid solely in the implementation of approved conservation practices as described in the conservation plan or in an IDNR approved management plan of the easement. A storage building may be permitted on properties encumbered by a CREP easement if the landowner can demonstrate hardship in implementing the approved conservation practices as follows:
 - A) the landowner does not own any adjacent property or properties in close proximity that could serve as an adequate site for equipment storage; and
 - B) other facts supporting the petition of hardship.
 - 2) If IDNR determines that the landowner has successfully demonstrated hardship, as provided in subsection (a)(1), the landowner shall agree that:
 - A) the storage building will not allow for or accommodate human habitation;
 - B) any stored equipment will be used only for on-site maintenance of the CREP easement property;

- C) the storage building will not be used for bulk storage of flammable or ignitable materials in commercial tanks or containers; and
 - D) the storage building will not be used for any agriculture, livestock, infrastructure, hunting or residential purposes.
- 3) Any storage building permitted and constructed on the CREP easement property shall conform to, or be modified in accordance with, the storage building specifications proposed by the landowner and approved by DNR.
 - 4) The storage building shall be made available for inspection by the SWCD and/or IDNR. If the building is utilized for any purpose other than equipment storage intended for on-site maintenance, IDNR may initiate enforcement proceedings against the landowner for eviction and/or removal of the storage building at the landowner's expense. (See Section 1515.70.)
- b) Public Benefit
- 1) IDNR and/or the SWCD may subordinate the Grant of Conservation Right and Easement and provide a partial release or full release of portions of the CREP easement land for public benefit purposes such as improvements in transportation or public utilities, or mitigation of eminent public danger.
 - 2) IDNR may work with the SWCD and the landowner to negotiate reasonable alternatives to the terms of the Grant of Conservation Right and Easement. If no reasonable alternative can be identified, IDNR will work with the SWCD and the landowner to facilitate a release and to recoup transaction costs and current market value of the area of the CREP easement released or subordinated for the public works project.

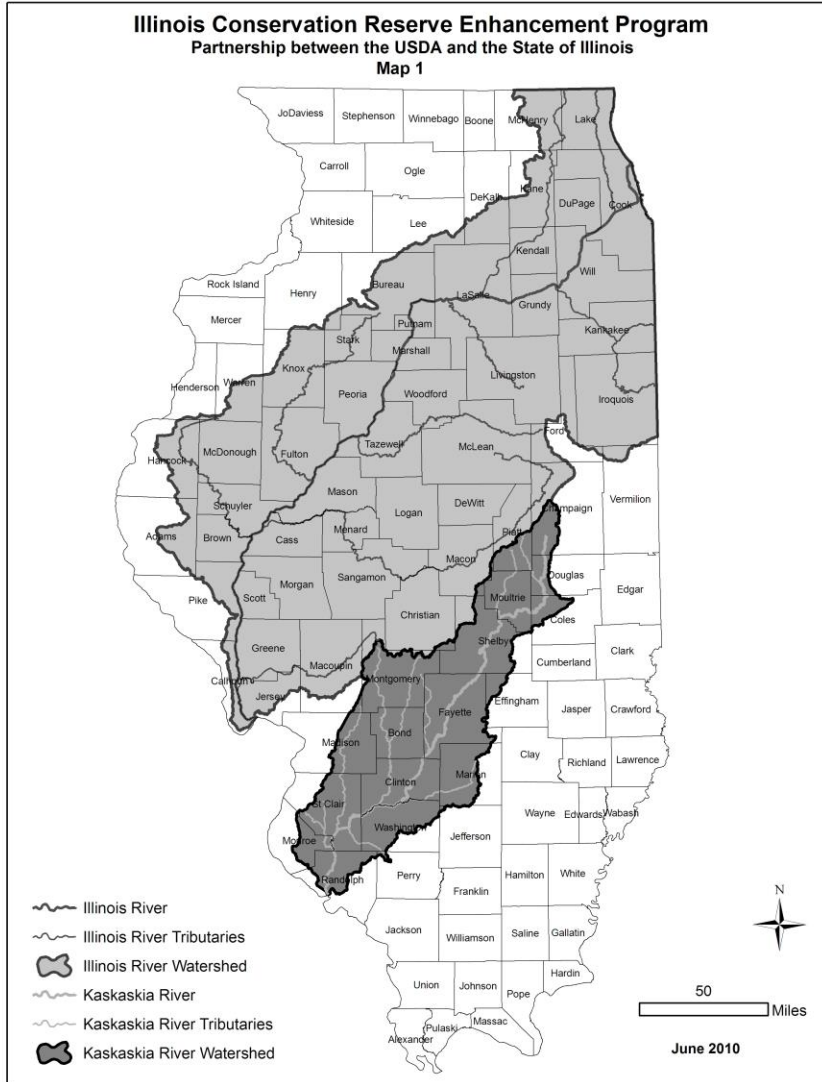
(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.90 Transfer of a Grant of Conservation Right and Easement

At the request and/or approval of IDNR, the SWCD (or other CREP easement holding entity) may transfer or assign the Grant of Conservation Right and Easement to an agency of the State, a unit of local government, or a not-for-profit corporation or trust pursuant to the Real Property Conservation Rights Act [765 ILCS 120].

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

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



(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

Section 1515.EXHIBIT B List of CREP Eligible Illinois Soil and Water Conservation Districts

ADAMS COUNTY SWCD
338 S. 36th St., Quincy IL 62301
Phone: 217/224-9305 (Ext. 3)

BOND COUNTY SWCD
1111 E. Harris Ave., Greenville IL 62246
Phone: 618/664-0555 (Ext. 3)

BROWN COUNTY SWCD
511 E. Main, Mt. Sterling IL 62353
Phone: 217/773-3993 (Ext. 101)

BUREAU COUNTY SWCD
312 E. Backbone Rd., Princeton IL 61356
Phone: 815/875-8732 (Ext. 3)

CALHOUN COUNTY SWCD
P.O. Box 516, Hardin IL 62047
(UPS Address: RR 2, Box 80)
Phone: 618/576-2717 (Ext. 3)

CASS COUNTY SWCD
652 S. Main St., Virginia IL 62691
Phone: 217/452-3535 (Ext. 3)

CHAMPAIGN COUNTY SWCD
2110 W. Park Court, Suite C, Champaign IL 61821
Phone: 217/352-3536 (Ext. 3)

CHRISTIAN COUNTY SWCD
620 N. Webster St., Taylorville IL 62568
Phone: 217/287-1315 (Ext. 3)

CLINTON COUNTY SWCD
1780 N. 4th St., Breese IL 62230
Phone: 618/526-7919 (Ext. 3)

COLES COUNTY SWCD
6021 Development Dr., Suite 2, Charleston IL 61920
Phone: 217/345-3901 (Ext. 3)

DEKALB COUNTY SWCD
1350 W. Prairie Dr., Sycamore IL 60178
Phone: 815/756-3237 (Ext. 3)
Web Address: www.dekalbilswcd.org

DEWITT COUNTY SWCD
5920 Revere Rd., Clinton IL 61727
Phone: 217/935-6504 (Ext. 3)

DOUGLAS COUNTY SWCD
900 S. Washington St., Tuscola IL 61953
Phone: 217/253-2022 (Ext. 3)

EFFINGHAM COUNTY SWCD
2701 S. Banker St., Suite 101A, Effingham IL 62401
Phone: 217/347-7107 (Ext. 3)

FAYETTE COUNTY SWCD
301 S. Third St., Vandalia IL 62471
Phone: 618/283-1095 (Ext. 3)
E-mail Address: fayettecountyswcd@att.net

FORD COUNTY SWCD
1380 W. Ottawa Rd., Paxton IL 60957
Phone: 217/379-2372 (Ext. 3)

FULTON COUNTY SWCD
15381 N. State Hwy. 100, Lewistown IL 61542
Phone: 309/547-2215 (Ext. 3)

GREENE COUNTY SWCD
RR 3, Box 129, Carrollton IL 62016
Phone: 217/942-5464 (Ext. 101)

GRUNDY COUNTY SWCD
3605 N. IL Rt. 47, Suite B, Morris IL 60450
Phone: 815/942-0359 (Ext. 3)
E-Mail Address: grundycountyswcd@yahoo.com

HANCOCK COUNTY SWCD
110 Buchanan St., Carthage IL 62321
Phone: 217/357-2180 (Ext. 3)

HENDERSON COUNTY SWCD
323 E. Main St., Stronghurst IL 61480
Phone: 309/924-1167 (Ext. 3)

HENRY COUNTY SWCD
P.O. Box 162, Cambridge IL 61238
(UPS Address: 301 E. North St.)
Phone: 309/937-5263 (Ext. 3)

IROQUOIS COUNTY SWCD
1001 E. Grant St., Suite A, Watseka IL 60970
Phone: 815/432-6055 (Ext. 3)

JEFFERSON COUNTY SWCD
221 Withers Dr., Mt. Vernon IL 62864
Phone: 618/244-0773 (Ext. 3)

JERSEY COUNTY SWCD
604 E. Franklin, Jerseyville IL 62052
Phone: 618/498-3712 (Ext. 3)
E-Mail Address: jerseyswcd@yahoo.com

KANE-DUPAGE COUNTY SWCD
2315 Dean St., Suite 100, St. Charles IL 60175
Phone: 630/584-7961 (Ext. 3)

KANKAKEE COUNTY SWCD
685 Larry Power Rd., Bourbonnais IL 60914
Phone: 815/937-8940 (Ext. 3)

KENDALL COUNTY SWCD
7775A Rt. 47, Yorkville IL 60560
Phone: 630/553-5821 (Ext. 3)

KNOX COUNTY SWCD
233 S. Soangetaha Rd., Galesburg IL 61401
Phone: 309/342-5714 (Ext. 3)
Web Address: <http://knoxcountyswcd.tripod.com>

LASALLE COUNTY SWCD
1691 N. 31st Rd., Ottawa IL 61350
Phone: 815/433-0551 (Ext. 3)

LEE COUNTY SWCD
319 S. Mason Ave., Amboy IL 61310
Phone: 815/857-3621 (Ext. 3)

LIVINGSTON COUNTY SWCD
P.O. Box 80, Pontiac IL 61764
(UPS Address: 1510 W. Reynolds)
Phone: 815/844-6127 (Ext. 3)
E-mail Address: livingstoncountyswcd@gmail.com

LOGAN COUNTY SWCD
1650 5th St. Rd., Lincoln IL 62656
Phone: 217/735-5508 (Ext. 3)

MACON COUNTY SWCD
4004 College Park Rd., Decatur IL 62521
Phone: 217/877-5670 (Ext. 3)

MACOUPIN COUNTY SWCD
300 Carlinville Plaza, Carlinville IL 62626
Phone: 217/854-2628 (Ext. 3)

MADISON COUNTY SWCD
7205 Marine Rd., Edwardsville IL 62025
Phone: 618/656-7300 (Ext. 3)

MARION COUNTY SWCD
1550 E. Main St., Salem IL 62881
Phone: 618/548-2230 (Ext. 3)

MARSHALL-PUTNAM COUNTY SWCD
1511 University Ct., Henry IL 61537
Phone: 309/364-3913 (Ext. 3)
E-mail Address: mpswcd4@yahoo.com

MASON COUNTY SWCD
930 E. Laurel, Suite B, Havana IL 62644
Phone: 309/543-6075 (Ext. 3)

McDONOUGH COUNTY SWCD
1607 W. Jackson St., Macomb IL 61455
Phone: 309/833-1711 (Ext. 3)

McHENRY-LAKE COUNTY SWCD
1648 S. Eastwood Dr., Woodstock IL 60098
Phone: 815/338-0099 (Ext. 3)

McLEAN COUNTY SWCD
402 N. Kays Dr., Normal IL 61761
Phone: 309/452-0830 (Ext. 3)

MENARD COUNTY SWCD
17781 Village Green Rd., Petersburg IL 62675
Phone: 217/632-7590 (Ext. 3)

MONROE COUNTY SWCD
140 Williamsburg Ln., Waterloo IL 62298
Phone: 618/939-6181 (Ext. 3)

MONTGOMERY COUNTY SWCD
1621 Vandalia Rd., Hillsboro IL 62049
Phone: 217/532-3610 (Ext. 3)

MORGAN COUNTY SWCD
1904 W. Lafayette, Jacksonville IL 62650
Phone: 217/243-1535 (Ext. 3)

MOULTRIE COUNTY SWCD
1412A S. Hamilton St., Sullivan IL 61951
Phone: 217/728-7921 (Ext. 3)

NORTH COOK COUNTY SWCD
2358 Hassell Rd., Suite B, Hoffman Estates IL 60169
Phone: 847/885-8830

PEORIA COUNTY SWCD
6715 N. Smith Rd., Edwards IL 61528
Phone: 309/671-7040 (Ext. 3)

PERRY COUNTY SWCD
617 N. Main St., Pinckneyville IL 62274
Phone: 618/357-6016 (Ext. 3)

PIKE COUNTY SWCD
1319 W. Washington, Pittsfield IL 62363
Phone: 217/285-5448 (Ext. 3)

RANDOLPH COUNTY SWCD
313 W. Belmont St., Sparta IL 62286
Phone: 618/443-4381 (Ext. 3)

ST. CLAIR COUNTY SWCD
2031 Mascoutah Dr., Belleville IL 62220
Phone: 618/233-5583 (Ext. 102)

SANGAMON COUNTY SWCD
2623 Sunrise Dr., Suite 1, Springfield IL 62703-7302
Phone: 217/241-6635 (Ext. 3)

SCHUYLER COUNTY SWCD
715 Macomb Rd., Rushville IL 62681
Phone: 217/322-3359 (Ext. 3)

SCOTT COUNTY SWCD
656 N. Main St., Winchester IL 62694
Phone: 217/742-9561 (Ext. 3)

SHELBY COUNTY SWCD
111 N. Cedar St., Suite 3, Shelbyville IL 62565
Phone: 217/774-5564 (Ext. 116)

STARK COUNTY SWCD
7419B State Rt. 17, Toulon IL 61483
Phone: 309/286-2261 (Ext. 3)

TAZEWELL COUNTY SWCD
1440 Valle Vista Blvd., Suite B, Pekin IL 61554-6224
Phone: 309/346-4462 (Ext. 3)

VERMILION COUNTY SWCD
1905-A U.S. Rt. 150, Danville IL 61832
Phone: 217/442-8511 (Ext. 101)

WARREN COUNTY SWCD
701 N. Main St., Monmouth IL 61462
Phone: 309/734-8569 (Ext. 3)
E-mail Address: warrencountyswcd@frontiernet.net

WASHINGTON COUNTY SWCD
424 E. Holzauer Dr., Nashville IL 62263

Phone: 618/327-3078 (Ext. 101)

WILL-SOUTH COOK COUNTY SWCD
1201 S. Gougar Rd., New Lenox IL 60451
Phone: 815/462-3106 (Ext. 3)
E-mail Address: info@will-scookswcd.org

WINNEBAGO COUNTY SWCD
4833 Owen Center Rd., Rockford IL 61101
Phone: 815/965-2392 (Ext. 3)

WOODFORD COUNTY SWCD
937 W. Center St., Eureka IL 61530
Phone: 309/467-2308 (Ext. 3)

(Source: IL Department of Agriculture, 2014 Illinois Soil and Water Conservation District Directory)

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)