

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

PART 1540  
DISTRIBUTION AND SALE OF PLANT AND PLANT MATERIALS

Section

- 1540.10 Distribution and Sale of Plants and Plant Materials
- 1540.20 Establishment of Cost
- 1540.30 Plant and Plant Material Usage
- 1540.40 Free Plant and Plant Materials to Landowners

AUTHORITY: Implementing and authorized by the State Forest Act [525 ILCS 40]; Section 1.12 of the Wildlife Code [520 ILCS 5/1.12]; and by Sections 63a1, 63a2 and 63a8 of the Civil Administrative Code of Illinois [20 ILCS 805/63a1, 63a2 and 63a3].

SOURCE: Adopted and codified at 8 Ill. Reg. 2993, effective February 28, 1984; amended at 9 Ill. Reg. 695, effective January 3, 1985; amended at 10 Ill. Reg. 20211, effective November 25, 1986; amended at 11 Ill. Reg. 1404, effective December 31, 1986; amended at 12 Ill. Reg. 5296, effective March 8, 1988; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389.

**Section 1540.10 Distribution and Sale of Plants and Plant Materials**

- a) Each year the Division of Forest Resources of the Department of Natural Resources distributes and/or sells plants and plant materials to Illinois landowners for conservation plantings. Orders will be accepted if the buyer signs an application which verifies that the use of the plants and plant materials will be in accordance with Section 6 of the State Forest Act [525 ILCS 40/6]. Orders with approved management plans pursuant to Section 1540.40, may be submitted from June 1-March 31. Arbor Day orders and orders without approved management plans may be submitted from February 2-March 31. Orders may be placed by contacting the Division of Forest Resources, 524 S. Second Street, Springfield, IL 62706.
- b) Lists of available plants and plant materials are printed annually. The general public will be advised about the program through the news media by August 31. Copies of the price lists and order forms are distributed to: The Soil Conservation Service, the Extension Service, the Agricultural Stabilization Service and Department of Natural Resources offices statewide.
- c) Plants and plant materials are distributed and/or sold on a first-come, first serve basis,

except for the following:

- 1) Orders for Department owned or managed lands submitted from June 1-September 30 will receive priority over all orders submitted during this time period.
  - 2) Orders for Department owned or managed lands submitted from October 1-February 1 will receive priority on a daily basis. Orders for Department owned or managed lands will be sorted from the orders received on a given day and processed against available inventory before other orders are processed.
  - 3) No priority will be given to any orders received after February 1.
  - 4) Programs approved by the Director of the Department of Natural Resources (Department) which foster conservation practices in accordance with Sections 63a1 and 63a2 of the Civil Administrative Code of Illinois [20 ILCS 805/63a1 and 63a2] or 17 Ill. Adm. Code 1536.30 shall be given priority for the distribution and/or sale of plants and plant materials. If a program is approved by the Director, plants and plant materials shall be reserved and distributed and/or sold on a first-come, first serve basis for those program participants from June 1-February 1. After that date, the remaining reserved (except Arbor Day plants and plant materials) plants and plant materials shall be made available to all purchasers pursuant to Section 6 of the "State Forests" Act [525 ILCS 40/6] on a first-come, first-serve basis.
  - 5) When plant and plant materials must be purchased, payment must be sent with the order. Orders are shipped as early as possible during the Spring. Unfavorable weather conditions may prevent or delay the lifting and shipment of plants and plant materials. The nurseries can not guarantee shipment by any specific date. Orders are shipped starting with the southern counties and working north as weather conditions permit planting. This may result in later orders being shipped prior to an early order. Transfer of stock from one nursery to the other is not available.
- d) Plants and plant material for sale pursuant to Section 6 of the Act [525 ILCS 40/6] (orders without approved management plans) to the general public, mining companies, other industries and agencies of the Federal Government shall be sold at a price approximately equal to the cost of acquisition and/or production and distribution as determined pursuant to Section 1540.20.
- e) The Department of Natural Resources reserves the right to cancel orders or parts of

orders if stock production falls below anticipated levels because of insect problems, disease problems, and unfavorable weather conditions that affect growth and/or processing. Substitutions, in the event that an advertised species is lost because of problems during the growing and/or over-winter season(s), shall only occur in the packets. If a landowner has indicated a second choice on his/her order blank and that plant or plant material is still available, the second choice shall be substituted unless the second choice is incompatible with the geographic location of the planting site. Purchasers may cancel orders by April 15 and receive a full refund. If April 15 is a non-scheduled workday, cancellations for refunds will be accepted on the first scheduled workday following April 15. Cancellations after April 15 will not be issued refunds. Orders cancelled by the Department for any reason will be refunded.

- f) All areas planted with materials secured from the State nurseries must be protected from wildfire (fire can be utilized as a management tool; i.e., prescribed burning of prairies, savannas, wetlands and forest ecosystems as a control for diseases, to improve and enhance wildlife habitat, etc.), domestic livestock trespass and grazing. [525 ILCS 40/6].
- g) The minimum number of plants that can be ordered, for non-department owned or managed lands, shall be 250 of any one species or one packet.
- h) A completed order form must accompany each planting location. A planting location is considered to be all landholdings within a county. No orders can be picked up until notification has been received from the nursery that the orders are ready.
- i) Standby orders will be accepted for sold-out species. If inventory overruns or cancellations occur standby orders will be filled on a first-come, first-serve basis. Where applicable, a bill for the plant or plant materials will be sent upon the filling of a standby order. Payment for the plants or plant material must be received within 10 working days of the mailing date. Failure to return payment will result in cancellation of the standby order.
- j) The Department may effect exchanges, purchases or sales involving plants and plant materials with other states, through the appropriate State Forestry Agency, or agencies of the Federal Government.

(Source: Amended at 12 Ill. Reg. 5296, effective March 8, 1988)

**Section 1540.20      Establishment of Cost**

- a) Plant and plant material costs shall be determined annually.

- b) The following items will be considered in establishing plant and plant material costs:
  - 1) Plant and plant material production costs will be determined on a fiscal year basis.
  - 2) Plant and plant materials with similar growth characteristics and cultural requirements will be grouped for administrative and bookkeeping purposes, e.g.:
    - A) Red and white pine
    - B) Other conifers
    - C) Black walnut
    - D) Oaks
    - E) Other hardwoods
    - F) Wildlife species
    - G) Prairie forbs
    - H) Prairie grasses
  - 3) Cost may include: seed procurement and preparation; seedbed fumigation; seedbed preparation; seeding; mulching; irrigation; weeding; fertilization; top and/or root pruning; field inventories; digging; transporting; grading; counting; packaging; shipping and all related materials; acquisition of plants and plant materials; maintenance and repairs of equipment, structures and grounds; printing of forms, information and materials; personnel costs; contractual services; telephone services; motor vehicles and equipment; travel; rental; utility and water; and professional services.
  - 4) Total cost for producing a group divided by the number of plants or amounts of plant materials distributed and/or sold in that group will establish unit costs.
  - 5) The unit price of the current year's plant and plant materials will be based on the previous year's cost information.
  - 6) Purchase price will be reviewed and adjusted, if necessary, annually.

(Source: Amended at 12 Ill. Reg. 5296, effective March 8, 1988)

**Section 1540.30 Plant and Plant Material Usage**

- a) Plants and plant materials for demonstration, research or experimental planting may be furnished annually without charge to: Illinois Department of Natural Resources Agencies, State Colleges and/or Universities, Illinois Natural History Survey, Soil Conservation Service and the Extension Service. A written plan must be submitted to the Department and approved by the State Forester. The maximum number of plants available per county shall be limited to 2,500. The maximum pounds of seeds available per county shall be limited to 100 pounds. The number of plants and plant materials may be increased if need is shown and surplus plants and plant materials are available.
- b) Plants and plant materials for Arbor Day and other commemorative plantings may be sold to the general public if such programs are deemed to be beneficial to the department by promoting or supplementing conservation and/or conservation education needs. A written plan must be submitted and approved by the State Forester. Orders may be submitted for less than 250 plants, but are subject to the availability.
- c) Plants and plant materials may be provided for cooperative programs between the department and other agencies when such programs foster conservation practices in accordance with Section 63a8 of the Civil Administrative Code of Illinois [20 ILCS 805/63a8]. Involvement in such programs must be approved by the State Forester and the Director of the department. Orders may be submitted for less than 250 plants, but are subject to availability.
- d) It is unlawful to use plants and plant materials for ornamental plantings, shade trees, landscaping, banquet or party favors or commercial promotion.
- e) The State Forester may provide complimentary orders at his discretion. An order form must be completed for each order. The order form must contain the signature of the State Forester and be marked "Complimentary Order". Complimentary orders include awards recognizing outstanding conservation efforts and will be in accordance with Section 1.12 of the Wildlife Code [520 ILCS 5/1.12] or Section 63a8 of the Civil Administrative Code of Illinois [20 ILCS 805/63a8].

(Source: Amended at 12 Ill. Reg. 5296, effective March 8, 1988)

**Section 1540.40 Free Plant and Plant Materials to Landowners**

- a) Plants and plant materials may be provided at no cost to landowners that have approved management plans. The management plan must recommend the use of plants and plant materials to meet a conservation objective which includes, but is not limited to, wildlife habitat, erosion control, energy conservation, natural community restoration, and general reforestation. Management plans must contain the following information if the information is applicable to the management plan being submitted for approval:
- 1) Owner name and address
  - 2) Manager name and address (if applicable)
  - 3) Property:
    - A) Location - legal description
    - B) Area (acres)
  - 4) Description of Land:
    - A) Current vegetative cover
    - B) Current wildlife present (if applicable)
    - C) Topography (if applicable)
    - D) Soils (if applicable)
    - E) Aerial photo or map of property
  - 5) Specific Recommendations:
    - A) Pre-planting recommendations (site preparation and location)
    - B) Spacing, seeding rates, etc.
    - C) Species and amounts required
    - D) Post-planting recommendations (care of plants and plant materials, etc.)
  - 6) Objectives - What are landowners' objectives and how does the plant meet

those objectives.

- 7) Protective measures - Procedures to deal with insect, disease and environmental problems that would prevent landowners from meeting objectives (if applicable).
  - 8) Financial - Discussion of specific costs involved in implementing landowners' objectives (if applicable).
- b) Management plans may be developed by the landowner or his/her representative. Plans must be submitted for approval to the landowner's district forester or biologist of the Illinois Department of Natural Resources.
  - c) Plans that recommend the planting of seedling stock for Christmas tree production will not be approved.
  - d) The district forester or biologist of the Department of Natural Resources will approve or disapprove plans within forty-five (45) days after receipt of the plan. Approval criteria shall be based upon, but not limited to, adaptability of plant materials to site conditions (i.e., soils, topography, climate, etc.), the specific habitat needs of desired wildlife species and/or the suitability of selected plant materials to meet a landowner's specific management objective (i.e., deciduous trees would not be suitable for establishment of windbreaks for energy conservation). If the plan is disapproved, the district forester or biologist will notify the landowner of the reasons that prevented the plan from being approved.
  - e) Any landowner whose plan was not approved may appeal the disapproval to a committee consisting of the district forester or biologist's immediate supervisor and another forester or biologist of the Department selected by the immediate supervisor.
  - f) Plants or plant materials provided through this program will be made available on a first-come, first-serve basis.

(Source: Amended at 12 Ill. Reg. 5296, effective March 8, 1988)