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April 14, 2017 Volume 41, Issue 15

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017
21	May 15, 2017	May 26, 2017

22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
104.205	Amendment
104.270	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rules: March 30, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 9900; July 22, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Minor word changes were made along with an extension in the amount of time allowing an ambulance provider to request an informal review of a request for appeal. Additionally the Department is now required to consider any documentation supporting medical necessity, including documentation not previously submitted, during an informal review of a request for appeal.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments make changes to the appeals process for ambulance providers.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted rules shall be directed to:

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.74	Surety Bonds
104.75	Immediate Suspension of a Vendor
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 104.104 Tax Refunds or Other Joint Federal or State Payments
- 104.104 Conduct of Other Hearings
- 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
- 104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits
- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

- Section
- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of ~~an~~ Application
- 104.205 Notice of [Informal Review of the Request for](#) Appeal for ~~Ground~~ Ambulance Service Provider
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend, Exclude or Not Renew Provider Agreement or to Revoke Alternate Payee
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

104.235	Discovery
104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments and Release of Withholds
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section	
104.800	Incorporation by Reference

SUBPART G: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section	
104.900	Unauthorized Use of Medical Assistance
104.910	Definitions
104.920	Applicability
104.930	Notice of Intent to Recover Money
104.940	Request for Hearing
104.950	Representation
104.960	Conduct of Hearings
104.970	Recommended Decision
104.980	Final Administrative Decision

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008; amended at 33 Ill. Reg. 6283, effective April 15, 2009; amended at 35 Ill. Reg. 2030, effective January 21, 2011; amended at 35 Ill. Reg. 12900, effective July 25, 2011; amended at 36 Ill. Reg. 7530, effective May 7, 2012; amended at 36 Ill. Reg. 9086, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10195, effective July 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10172, effective June 27, 2013; amended at 37 Ill. Reg. 12838, effective July 24, 2013; expedited correction at 37 Ill. Reg. 16034, effective July 24, 2013; amended at 41 Ill. Reg. 4263, effective March 30, 2017.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section 104.205 Notice of Informal Review of the Request for Appeal for Ground Ambulance Service Provider

- a) Requests for informal review of the request for appeals~~Appeals~~ filed by ana~~Ground~~ Ambulance Service Provider under~~for the reasons set forth in~~ 89 Ill. Adm. Code 140.491(j) shall proceed pursuant to this Section.
- b) The informal review of the request for appeal process is initiated by the Ground Ambulance Service Provider filing a written, signed request for an informal review of the request for appeal with the Department's Bureau of Professional and Ancillary~~Comprehensive Health~~ Services or its authorized agent, within 90~~60~~ calendar days after the date of service pursuant to 89 Ill. Adm. Code 140.491(j)~~after the date of the decision rendered pursuant to 89 Ill. Adm. Code 140.491(j) is received by the Ground Ambulance Service Provider.~~
- c) The request for informal review of the request for appeal shall include:
 - 1) a copy of the decision issued by the Department or its authorized agent pursuant to 89 Ill. Adm. Code 140.491(j);
 - ~~2) proof of the date the decision is received;~~
 - ~~23)~~ a brief statement of the issue on appeal; and
 - ~~34)~~ documentation supporting the appeal request. The Department shall consider any documentation supporting medical necessity, including documentation not previously submitted. Any documentation that was not previously submitted to the Department or its authorized agent prior to the decision rendered in 89 Ill. Adm. Code 140.491(j) must be designated as not having been previously submitted.
- d) The Bureau of Professional and Ancillary~~Comprehensive Health~~ Services or its authorized prior approval agent shall conduct an informal review of the request for appeal, including a review of all documentation submitted under subsection (c) and within 60 calendar days issue the Department's written decision (the 205(d) decision) to reverse, modify or affirm the Department's initial decision.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) If the Department's initial decision is affirmed, the ~~Ground~~ Ambulance Service Provider may request a hearing on the Department's 205(d) decision in accordance with Section 104.210 by filing a written, signed request for a hearing with the Office of General Counsel-Bureau of Administrative Hearings-Medical Vendor Hearings Section and the Office of Inspector General-Office of Counsel to the Inspector General~~Bureau of Administrative Litigation~~.
- 1) This request for hearing must be received by the Department within 10 calendar days after the date on which the Department's 205(d) decision is received by the ~~Ground~~ Ambulance Service Provider. If such a request is not received by the Department within 10 calendar days, or is received but later withdrawn, the Department's 205(d) decision shall be a final and binding administrative determination.
 - 2) Upon timely request for hearing, the Bureau of Administrative Hearings shall conduct an administrative hearing in accordance with Sections 104.220 through 104.295, as applicable.
 - 3) The hearing shall be conducted de novo (anew). Documentary evidence submitted for the hearing shall not be limited to documents submitted to the Department or its ~~authorized prior approval~~ agent for informal review in accordance with Section 104.205(d)~~unless good cause is shown~~.

(Source: Amended at 41 Ill. Reg. 4263, effective March 30, 2017)

Section 104.270 Time Limits for Hearings

- a) Hearings conducted pursuant to 89 Ill. Adm. Code 140.14 and 140.16 shall be scheduled within ~~60~~30 calendar days ~~after~~ service of the notice ~~served~~ under Sections 104.204 or 104.208(a) and (b).
- b) Hearings conducted pursuant to 89 Ill. Adm. Code 140.15 shall be scheduled within 30 calendar days ~~after~~ the completion of the formal conference sessions.
- c) Hearings conducted as the result of an action taken pursuant to Section 104.300 shall be scheduled to take place within 30 calendar days after receipt of a request for hearing in accordance with Section 104.208(c) or (d).

(Source: Amended at 41 Ill. Reg. 4263, effective March 30, 2017)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Forestry Development Cost-Share Program
- 2) Code Citation: 17 Ill. Adm. Code 1536
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1536.10	Amendment
1536.20	Amendment
1536.25	Amendment
1536.30	Amendment
1536.40	Amendment
1536.50	Repealed
1536.51	New Section
1536.55	New Section
1536.60	Amendment
1536.65	Amendment
1536.70	Amendment
1536.75	New Section
1536.77	New Section
1536.80	Amendment
1536.90	Amendment
1536.100	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
- 5) Effective Date of Rules: March 31, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16645; December 30, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to improve establishment, management and sustainable use and benefits of forests. The changes include improvements in eligibility, forest management plans and cost-share procedures.
- 16) Information and questions regarding these adopted rules shall be directed to:

Javonna Ackerman, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1536
FORESTRY DEVELOPMENT COST-SHARE PROGRAM

Section

1536.10	General
1536.20	Eligibility
1536.25	Preparation of Forest Management Plans
1536.30	Planting Trees and Direct Seeding
1536.40	Fencing to Protect Forests and Plantations
1536.50	Tending Forest Stands (Repealed)
1536.51	Timber Stand Improvement
1536.55	Pruning Hardwood Crop Trees
1536.60	Permanent Firebreaks for Management and Protection of Forests Protect Forests
1536.65	Reducing Wildlife Damage
1536.70	Site Preparation for Natural Regeneration
1536.75	Forestry Best Management Practices
1536.77	Invasive and Exotic Species Control
1536.80	Appeal
1536.90	Information
1536.100	Penalty

AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].

SOURCE: Adopted and codified at 8 Ill. Reg. 13689, effective July 25, 1984; amended at 9 Ill. Reg. 14286, effective September 5, 1985; amended at 10 Ill. Reg. 6838, effective April 3, 1986; amended at 10 Ill. Reg. 18168, effective October 15, 1986; amended at 11 Ill. Reg. 18632, effective November 2, 1987; amended at 14 Ill. Reg. 18244, effective October 29, 1990; amended at 17 Ill. Reg. 16485, effective September 27, 1993; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 10473, effective June 1, 1998; amended at 41 Ill. Reg. 4272, effective March 31, 2017.

Section 1536.10 General

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

The purpose of this program is to encourage the establishment, planting, management, and sustainable use and benefits, and regeneration of forests. Definitions located at 17 Ill. Adm. Code 1537 apply to this Part as well.

- a) Timber growers ~~and/or landowners~~ participating in this program may also be eligible for federal ~~forestry~~ cost-share programs administered by agencies of the United States.
- b) An application for ~~the~~ cost-shared ~~practices~~practice must be signed and dated~~completed~~ by the timber grower or the timber grower's legally authorized agent~~and/or landowner~~ and submitted to an~~the~~ Illinois Department of Natural Resources (IDNR) ~~Resource's District Forester,~~ Resource's District Forester, hereinafter referred to as the ~~District Forester.~~ The requirements for installation of the ~~practices~~ practice ~~will~~ be described in the approved Forest Management Plan (Plan) (see 17 Ill. Adm. Code 1537) ~~forest management plan, hereafter called the "Plan".~~ Any practice variations or deviations must be submitted in writing and approved by the IDNR Forester. The ~~cost-share~~cost-shared practice ~~shall not~~can not be started until the application is approved by the IDNR~~District~~ Forester.
- c) ~~Reimbursement~~The reimbursement for ~~the~~ approved cost-share practices shall never exceed the established base cost of the practice.~~cost-shared practice will be based on the landowner's documentation of cost to install the practice and will not exceed the established cost-share percentages and will not exceed maximum amounts per unit allowed in this Part.~~
- d) Timber growers ~~and/or landowners~~ must keep records and receipts of practice implementation costs.~~provide an itemized statement with paid receipts for expenses of more than \$10 in the implementation of the approved practice. In determining the cost of a timber grower and/or landowner or family member doing the practices, the labor rate shall not exceed \$12 per hour. Reimbursement for amounts less than \$50 will not be processed for payment.~~
- e) This is a timber grower reimbursement cost-share program. Advance payment ~~is~~will not be allowed and. ~~Furthermore,~~ cost-share payment will not~~cannot~~ be made to a third party or to vendors.
- f) When ~~federal~~Federal or other cost-share ~~programs~~program ~~practices~~ are utilized concurrently with the Illinois Forestry Development Act (FDA) the combined FDA, federal and other reimbursements will not exceed the established base cost

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~of the practice. (FDA) Cost Share Program, the cost share percentage shall equal the percentage of the other concurrent cost share program in effect in the county where the practice is installed. The FDA cost share percentage and the "not to exceed per practice unit amount" shall be adjusted proportionately from the standard rate now in effect. Timber growers and/or landowners may not be reimbursed more than the actual cost not to exceed the base cost of the practice. The base cost represents the cost of implementing the practice, amount upon which the cost share maximum is derived. The adjusted maximum fixed rate is determined by taking the federal cost share percent rate times the average cost per acre. Federal programs will be used for initial payment.~~

- g) A practice ~~will not~~ be repeated ~~with FDA cost share~~ on the same ~~area of~~ land within a 10 year period and must be ~~maintained effective~~ for a minimum of 10 years, except as allowed under Sections 1536.30, 1536.65, ~~and 1536.70 and 1536.77~~.
- h) Property upon which ~~cost share cost shared~~ practices are installed must be protected from ~~wildfire wildlife~~ and grazing ~~unless specifically prescribed by measures set forth~~ in the Plan.
- i) ~~Pesticides Chemicals~~ used in ~~implementing practices performing this practice~~ must be federally, ~~State state~~ and locally registered and must be applied strictly in accordance with authorized registered uses, directions on the label, and other ~~federal Federal~~ and State requirements.
- j) If a timber ~~grower has paid an IDNR timber harvest fee sale has occurred~~ within 2 State ~~of Illinois~~ fiscal years prior to the approval of a ~~Plan oreost shared~~ practice, ~~then landowners and/or~~ timber growers will have their cost-share increased ~~toward recouping up to 100% by an amount not to exceed 50%~~ of their harvest fee. The combined payment for the practice ~~implementation~~ and the harvest fee rebate shall not exceed 100% of the ~~landowner's and/or~~ timber grower's ~~actual and reasonable practice implementation cost~~ ~~cost~~. ~~Timber Landowners and/or timber growers and/or landowners~~ who sold timber based upon provisions of the Plan shall have priority for harvest fee rebates. ~~Federal cost share programs cannot be used with the harvest fee rebate.~~
- k) ~~While this program may be combined with a federal program for implementation of a specific practice, it cannot be combined with another State program for the same practice.~~

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- ~~k)~~ Only IDNR approved and satisfactorily completed practices provide the authority~~basis~~ for reimbursement to timber growers~~landowners~~. All practice components must be completed and approved before payment is authorized~~approved~~.
- ~~l)~~ Cost-share~~Cost-share~~ practices shall not be authorized for any action that is determined to be harmful to threatened or endangered nonplant species or their habitat.
- ~~m)~~ Cost-share payments shall not be authorized for practices totaling less than one acre.
- ~~n)~~ Cost-share will not be authorized for more than a single practice that treats, removes, affects or establishes the same material, stems or growing vegetation or that is prescribed to achieve the same forest management result on the same acre.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.20 Eligibility

- a) Participation in the program is limited to ~~landowners and/or~~ timber growers who own or operate at least 105 contiguous acres of land enrolled in the FDA Program in this State. ~~A forest must be at least 100 feet wide.~~
- b) Timber growers owning less than 10 acres who have maintained continuous participation may participate, as grandfathered parcels, until such time as they withdraw or are cancelled by an IDNR Forester. Those growers may not reduce enrolled acreage. Growers may transfer their Plan to another grower.
- ~~cb)~~ Property~~The property~~ on which ~~cost-share~~~~the cost-shared~~ practices ~~are~~~~will be~~ installed must have a Plan~~an approved forest management plan~~ as described in 17 Ill. Adm. Code 1537, except for ~~a cost-share~~ applications~~application~~ for "preparation of Forest Management Plans~~forest management plans~~" practice under Section 1536.25.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.25 Preparation of Forest Management Plans

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This practice provides timber growers ~~and/or landowners~~ with an additional~~another~~ opportunity to obtain professional ~~conservation~~ assistance in Plan preparation.

- a) ~~This cost share practice is valid only when a timber grower and/or landowner pays another party for preparation of a Plan. The timber grower and/or landowner must accept the Plan~~ approve and sign the Certification Form~~Plan~~ before the IDNR~~District~~ Forester will authorize reimbursement ~~for~~of the cost-share of the Plan preparation practice.
- b) A cost-share application for this practice must be submitted and approved by the IDNR~~District~~ Forester prior to development and preparation~~initiation~~ of a Plan. ~~However, for all other cost share practices, an approved Plan must be in effect prior to submission of a cost share application.~~
- c) The Plan must meet the conditions, requirements, standards and specifications ~~as~~ contained in FDA, IFDA and 17 Ill. Adm. Code 1537 and this Section~~Part~~. ~~Additional information to clarify the requirements mentioned above are listed in two publications published by the Illinois Technical Forestry Association: "Recommended Silvicultural and Management Practices for Illinois Hardwood Forest Types" (1972), Extension Forester, Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana, IL 61801 (no later editions or amendments are included) and "Forest Planting Practices for Illinois" (1974), Illinois Technical Forestry Association, Inc., c/o Department of Forestry, 211 Mumford Hall, Urbana, IL 61081 (no later editions or amendments are included).~~
- d) Components eligible for cost-share reimbursement~~cost-sharing~~ can include: reconnaissance, travel ~~costs~~, secretarial, mailing, ~~and~~ telephone, ~~costs~~, forest inventory, data analysis and plan writing.
- e) Copies of~~Reconnaissance notes; field data; inventory output per acre and per stand; and analysis of forest inventory~~ must be submitted to the IDNR Forester with the proposed Plan, ~~to the District Forester.~~
- f) ~~All of the land in a county owned by the same individual(s), partnership(s) or corporations(s) shall be included in a single Plan. Amendments of Plans to increase acreage during the 10 year lifespan of a Plan shall be cost-shared as described below.~~

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- fg) ~~The flat rate payment for this practice is \$300 plus~~ Cost-share rate for Plans of silviculture and management on existing forest stands shall be 75% of the owner's cost not to exceed \$7 per acre. The base cost for this practice is \$400 plus \$10 per acre.
- h) ~~Cost-share rate for reforestation and afforestation Plans as defined in 17 Ill. Adm. Code 1537 shall be 75% of the landowner's cost not to exceed \$4 per acre.~~
- gi) ~~Fractional acres for all stands and practices in a Plan~~ Plans shall be rounded to the nearest 1/10th acre for cost-share payment as follows: .01 to .49 acres will be rounded down and .50 to .99 shall be rounded up.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.30 Planting Trees and Direct Seeding

The purpose of ~~these practices~~ this practice is to establish a stand of forest trees for timber production and compatible natural resource conservation ~~purposes and compatible multiple uses and to provide general environmental benefits.~~

- a) ~~During Plan review, the IDNR~~ The District Forester shall ~~verify~~ determine the suitability of the land for site preparation and tree planting, considering soil erodibility and ~~necessary~~ the economic feasibility of soil stability practices, ~~such as timing of the practice~~ and ground cover requirements.
- b) ~~Cost-share~~ Cost-sharing is not authorized for:
- 1) ~~Planting fewer~~ planting trees or direct seeding on less than 1 acre or planting less than 436435 trees per acre unless the Plan is specifically amended ~~modified~~ later, under subsections (c)(2)(E)(iii) and (c)(3) ~~Section 1536.30(c)(2)(D)(iii)~~ as approved by a District Forester.
 - 2) ~~Planting~~ planting or culture of fruit or nut orchards, windbreaks, Christmas trees, ~~or planting for~~ ornamental trees, landscaping or legally regulated ~~violation mitigation projects~~ purposes. ~~For the purposes of this subsection (b), "mitigation" means alleviation, reduction, abatement or diminution of a condition that is prohibited by State or federal law or regulation.~~

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- 3) Irrigation~~irrigation~~ of planted trees.
- 4) Tree, shrub or other plant species not approved by the IDNR Forester.
- 5) More than one method (subsection (c)(2), (c)(3) or (c)(4)) of establishing a stand of trees.

c) Cost-Share Rates/Specification:

1) Site Preparation – Flat rate payment for this practice is 75% of the actual cost not to exceed a variable amount ranging from \$30 to \$495~~\$180 per acre. The base cost is a variable amount ranging from \$40 to \$660 per acre, as determined by the Plan preparer and approved by the District Forester.~~ The Plan preparer conducts a careful field inspection of current ~~vegetative~~vegetation cover on the site to determine the appropriate category to be prepared, and then uses categories and cost-share rate amounts in (see subsection (c)(1)(A))(B) to make a determination about the cost share rate per acre. Treatment is to be applied to/attempted for all target species present and is to result in a minimum mortality or effective control rate of 85%.

A) ~~Cost share categories and corresponding variable cost share amounts shall be prorated per acre, per category, and shall be approved by the District Forester.~~

A~~B~~) Cost-share Categories~~categories~~ and variable Cost-share Payment Rates~~payments~~ follow:

	<u>Flat</u>	
	<u>Rate/A.</u>	
	<u>Variable</u>	
	<u>Cost-</u>	
	<u>Share</u>	
	<u>Amounts</u>	
	<u>Not to</u>	
	<u>Exceed,</u>	<u>Base</u>
Category	<u>Per Acre</u>	<u>Cost/A.</u>

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|------|---|--------------|--------------|
| i) | <u>Primarily annual vegetation</u>
rutting <u>Vegetation</u> or heavy residues that <u>which</u> will cause some difficulty in normal planting. | \$30 | <u>\$40</u> |
| ii) | 60% <u>Sixty percent</u> or more of area in <u>perennial grasses and/or broadleaf</u> sod and broad-leaved herbaceous plants, <u>or up to</u> or 40% of area in light woody cover, stems 2 <u>two</u> inches or less diameter at ground line. | \$60 | <u>\$80</u> |
| iii) | More than 40% of area occupied by woody vegetation, briars, vines, or woody stems 2 <u>two</u> inches diameter or less at ground line, but can include up to 50 <u>25</u> stems per acre greater than 2 <u>two</u> inches at ground line. | \$90 | <u>\$120</u> |
| iv) | More than 40% of area occupied by woody vegetation greater than 2 <u>two</u> inches diameter at ground line, ; or more than 75 <u>25</u> stems per acre greater than 2 <u>two</u> inches diameter at ground line. | \$180 | <u>\$240</u> |
| v) | <u>More than 80% of area occupied by woody vegetation greater than 2 inches diameter at ground line, or more than 200 stems per acre greater than 2 inches diameter at ground line.</u> | <u>\$495</u> | <u>\$660</u> |

BE) This practice may only be approved for acres limited to areas having undesirable or competing vegetation or residue (such as grass sod, perennials and/or~~and~~ annual broadleaved plants and

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trees ~~and/or~~ shrubs). ~~Practice acres~~ These areas will be ~~planted~~ replanted to stock desirable tree species.

~~C~~D) Measures and practices necessary to minimize erosion must be undertaken ~~and plantings must be~~ according to prescribed ~~specifications~~ standards set forth in the ~~approved~~ Plan. ~~Measures may include, but are not limited to, hand planting, machine planting on contour, establishment of temporary herbaceous cover, the use of herbicides for minimum disturbance of established cover and similar accepted practices as set forth in the approved Plan. Temporary herbaceous cover means oats, rye, wheat or similar grain.~~

~~D~~E) ~~Site preparation~~ Removal may be undertaken mechanically with machinery or by including all normal farm tillage implements, chopping, cutting or sawing and may include use of herbicides and/or prescribed fire. Aerial spray applications (herbicides by helicopter or fixed-wing plane) will not be approved for more than the \$180 per acre rate established in subsection (c)(1)(A)(iv). ~~Herbicides may also be used with mechanical measures or to replace mechanical measures.~~

E) One approved category and practice is allowed once in any 10 year period unless specifically approved by the IDNR Forester, based on the standards in subsection (c)(2)(F), due to practice failure from extreme natural causes.

2) Tree Planting Bare Root Stock (Trees and Labor) – Flat rate payment for purchasing and planting stock is a variable amount ranging from \$300 per acre using 436 trees per acre (base cost \$400/acre) to \$619 per acre using 900 trees per acre (base cost \$825/acre). 75% of the actual cost not to exceed \$95 for no-cost planting stock or \$280 for purchased planting stock, per acre.

A) Selected tree species and seed sources of stock to be planted must be used and must be established in accordance with the Plan specifications and subsection (c)(2)(F)(i).

B) All planted trees ~~Plantings~~ must be tightly packed and firmly

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~~adhered to the soil made in accordance with the Plan. Trees must be firmly planted~~ at the proper depth, ~~regardless of type of.~~ Tree planting ~~machinery machines~~, augers, ~~or~~ hand tools ~~or other methods of physical planting may be~~ used.

- C) At least 90% of the conifer stock must be not less than 3/32 inch in caliper as measured at 1 inch above the root collar ~~(nursery soil line)~~. At least 90% of the hardwood stock shall be no less than 7/32 inch caliper as measured at 1 inch above the root collar ~~(nursery soil line)~~. ~~Hardwood~~ ~~In addition to the standards above,~~ ~~hardwood~~ stock purchased from private nurseries ~~shall be ordered from the 12-18 inch height category or larger as described in the nursery's catalog or other written description are considered to meet the 7/32 inch caliper requirement.~~
- D) Seedling stock seed source must originate within 100 miles north or 200 miles south of the planting site, unless otherwise specified in the Plan.
- E) Spacing requirements are as follows:
- i) Plant seedlings 6 to 12 feet apart in rows 6 to 12 feet apart. Plant at least 436 and no more than 1210435 trees per acre ~~(however, the cost-share will consider no more than 900 trees per acre (see subsection (c)(2)).~~
 - ii) Underplantings may be approved for less than 436 trees per acre and only Interplantings within wooded areas receiving at least 40% are to be spaced 6 feet apart or more in openings which receive partial or full direct sunlight.
 - iii) Variations in these spacing and seedling density standards may be made ~~to enhance an existing forest area or riparian area~~ in accordance with the Forestry Management Plan (Plan) created under 17 Ill. Adm. Code 1537 and written recommendations approved by the ~~IDNR District~~ Forester.
 - iv) Cost-share for plantings greater than or planting of less than 436435 trees per acre will be prorated at \$0.69 per tree, not

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to exceed 900 trees per acre using 435 trees as the basis.

FE) Stocking and Replanting Requirements~~replanting requirements:~~

- i) A minimum survival rate of 70% of the planted stock specified must be maintained for the 10 year lifespan of the practice. Natural regeneration of acceptable species may be used to supplement minimum survival of planted trees if approved by the IDNR Forester, based on soil type, drainage, soil productivity and other growing conditions. At least 300 of the planted trees, per acre, must be maintained throughout the practice lifespan.
- ii) If cost-share assistance for replanting will be available where losses are due to natural causes, such as heat, drought, flood, hail, and similar occurrences, if 70% of the prescribed stand is not obtained, or if a stand deteriorates to less than 70% within the first or second two growing seasons, cost-share assistance for replanting may be available when stocking losses are due to extreme natural causes, such as drought, flood, hail, depredation or similar occurrences.
- iii) Cost-share will not be authorized for planting failures due to improper Plan implementation or factors within the control of the timber grower.

3) Tree Planting Containerized Stock (Trees and Labor)
Flat rate payment for this practice is \$315 per acre. The base cost for this practice is \$420 per acre.

- A) Planting of containerized stock may be used in addition to natural regeneration or certain other, non-cost-shared reforestation methods when approved by the IDNR Forester as part of a Plan.
- B) This practice is limited to areas that will naturally regenerate within 3 years. A seed source for desirable natural regeneration must be within 200 feet of the planting area. A combined minimum of 500 acceptable desirable trees per acre must be

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present 3 years following planting and must be maintained for the 10 year lifespan of the practice.

- C) Containerized trees must be hard mast producing species, such as oak, black walnut, hickory or others that are at least 2 gallon sized and have a planted height of no less than 3 feet and a caliper no less than 3/8 inch as measured 1 inch above the root collar.
- D) Tree seed source must be within 100 miles north or 200 miles south of the planting site, unless otherwise specified in the Plan.
- E) Plant trees 20-80 feet apart in rows 20-80 feet apart so that at least 28 planted trees are well distributed throughout each planted acre.
- F) Underplantings may be approved for fewer than 28 trees per acre. Underplantings must receive at least 40% direct sunlight. The cost-share rate for planting fewer than 28 trees per acre will be prorated down using the 28 tree stocking level as the basis.

4) Direct Seeding Component (Seed and Labor)

The flat rate payment for purpose of this practice is \$100 per acre for free or collected seed or \$250 per acre for purchased seed stock. The base costs for this practice are \$133 per acre for free or collected seed and \$333 per acre for purchased seed to extend limited supplies of plant materials and thereby to increase forestation.

- A) Direct seeding may be used in lieu of seedling planting, when approved by the IDNR District Forester as part of a Plan.
- B) AGENCY NOTE: Reference for Direct Seeding As references for standards use:
R. Herman, D. Schmoker, B. Sloan and T. Ward, 2003 Illinois Direct Seeding Handbook, A Reforestation Guide, Illinois EPA and USDA Natural Resources Conservation Service, Champaign IL, "Direct seeding of Southern Oaks — A PROGRESS REPORT", by Robert L. Johnson and Roger M. Krinard, Southern Hardwoods Laboratory, Stoneville, MS, Forest Service, USDA (1988); and the guidelines offered in Silvics of Forest Trees of the United States (1974), Agriculture Handbook 271, Forest Service, USDA,

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~~Washington, DC 20250. (No later editions or amendments are included.)~~

- BC) Spacing Requirements~~This cost share practice may be attempted a second time if through no direct fault of the landowner (i.e., drought, tornado, etc.) fewer than 300 seedlings of acceptable growing stock per acre survive after one full growing season.~~
- i) Plant seeds 1 to 2 feet apart in rows 6 to 12 feet apart. Plant at 3,000 to 4,800 hard mast seeds per acre. Soft mast species seeds may be planted in addition to or instead of hard mast species, depending on site conditions.
 - ii) Variations in spacing and seed density standards may be made in accordance with written recommendations approved by the IDNR Forester. Flat rate payment for planting greater than or less than 3,000 seeds per acre will be prorated using 3,000 seeds as the basis. Natural regeneration may be used as a supplement to planting if prescribed in an approved Plan.
- CD) Stocking and Replanting Requirements~~If, after 2 full growing seasons there are fewer than 300 seedlings of acceptable growing stock per acre, no further attempts to direct seed shall be made. However, tree planting must be done per subsection (c)(2).~~
- i) A minimum germination and survival rate of 1,000 planted seeds must be maintained for 2 growing seasons. Natural regeneration of acceptable species may be used to supplement germinated growing stock.
 - ii) If 1,000 seedling trees are not germinated and growing after the first and second growing seasons, cost-share assistance for replanting may be available, subject to IDNR Forester approval, when stocking losses are due to extreme natural causes such as drought, flood, hail, depredation or similar occurrences.
 - iii) Cost-share will not be authorized for planting failures due

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to improper Plan implementation or factors within the control of the timber grower.

iv) Cost-share assistance for replanting is only available once. If fewer than 300 acceptable trees are present after 3 growing seasons, seedling tree planting must be done (see subsection (c)(2)) by planting bare root stock.

DE) The seed source must be within 100 miles north or 200 miles south of the planting site, unless otherwise specified in the Plan. Cost-share Rate and Specifications

i) This practice shall pay 85% of the owner's cost not to exceed \$95 per acre for seed collected or purchased plus labor and machinery use.

ii) Seed shall be local source, within 25 miles of the seeding site. Or, if local seed is not available, seed shall be collected within an area described as 50 miles west of the Mississippi River, 50 miles north of the Illinois Wisconsin border, a north-south line extended along the eastern border of Ohio and 100 miles south of the Ohio River.

Eiii) Measures to protect seed from depredation must be prescribed in the Plan. predator pilferage shall be required when predator pilferage is identified as a problem.

Fiv) Site preparation measures must be implemented as described in the Plan are best done before direct seeding. Additional treatments to introduce adequate sunlight and to reduce competition may be needed.

v) Overstory removal may be required following establishment of seedlings—saplings.

54) Control of Undesirable Vegetation—With Herbicides or Mulching – The flat rate payment for this practice is 75% of the actual cost not to exceed \$40 per acre with herbicides or, \$60 per acre with mulch and/or weed control fabric. The base cost for herbicides is \$53 per acre and for mulch

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or fabric is \$80 per acre. Treatment is to be applied to/attempted for all target species present and is to result in a minimum mortality or effective control rate of 85%.

- A) ~~The practice is limited to plantings that conform to specifications cited in Section 1536.30.~~
- B) ~~Application of appropriate herbicide products that are labeled and approved by the Illinois Department of Agriculture for this use herbicides may be in either the liquid or granular form and may be pre-emergents or post-emergents or combinations of these types as approved by the District Forester. Application may be applied before, after made as pre-plant, post-plant or at the time of planting, as outlined in the Plan or approved by the IDNR Forester. Continuously treated If vegetation control is a component of the forestation practice, it must be completed to qualify for reimbursement for site preparation and planting. Treated bands for hardwoods shall be 4-6 feet wide or, spot treatments 16-36 square feet in size must be used. Narrower or smaller and wider or larger treatment coverage and broadcast herbicide applications must be detailed in the Plan or approved by the IDNR Forester. shall be at least 12 square feet. For conifers minimum band width is 2 feet, and spots of 4 square feet.~~
- BE) Organic mulches or water permeable cloth or fabric may be used in combination with herbicides or in lieu of herbicides. Continuous mulch of fabric bands 4-6 feet wide or spot treatments 16-36 square feet in size must be used. The and must be used if required in the approved management Plan, to qualify for site preparation and planting payments. Minimum per seedling mulched area is 12 square feet with an initial depth of mulch must be maintained at 4-10 inches deep for 2 growing seasons. Fabrics must be kept secured and functional for 2 growing seasons. Mulched areas must be pretreated by removing existing vegetation to expose mineral soil prior to applying the mulch. Weed control fabric (cloth) can be used if at least 9 square feet is used around each seedling.
- CD) Undesirable vegetation Herbicide or mulching applications must be

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~~controlled made, if prescribed required in the Plan, in order to receive approval and included on the practice cost share application, to qualify for site preparation and planting cost-share payments. Two additional applications, within 5 years after the original stocking, to control undesirable vegetation may be required by the IDNR Forester and determined eligible for cost-share payment.~~

- E) ~~Treatments for control of undesirable vegetation may be cost-shared for a second and third application as prescribed in the Plan and approved by the District Forester.~~

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.40 Fencing to Protect Forests and Plantations

- a) ~~A Plan may require fencing. The practice is limited to building permanent fences needed to exclude livestock.~~
- b) ~~The distance between posts or live trees must not exceed 1 rod (16.5 feet).~~ Limited use of live trees is permitted, provided 2" x 4" nailing strips of durable wood are used between the wire and the tree.
- c) ~~Boundary fences and fences adjacent to roads are not eligible for cost-share. No assistance will be given for boundary fences or fences adjacent to roads.~~
- d) ~~Cost-Share Rates/Specifications Specification – The flat rate payments and corresponding base costs cost share amounts vary by type of fence constructed. All fence must be a minimum of 4 feet in height.; however, the rate will be 75% of actual cost not to exceed these limits:~~
- 1) A woven wire fence must consist of at least a ~~32~~²⁶ inch woven wire with at least ~~two~~ strands of barbed wire on top. ~~The distance between posts or live trees must not exceed 17 feet. The flat rate payment for woven wire fence is \$15 per rod (16.5 feet). The base cost is \$20 per rod.—\$12 per rod.~~
 - 2) A barbed wire fence must be at least ~~three~~ strands. ~~The distance between posts or live trees must not exceed 17 feet. The flat rate payment for~~

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barbed wire fence is \$12 per rod. The base cost is \$16 per rod.—\$11 per rod.

- 3) If other fence materials are used, all weather wood or native lumber highly resistant to decay may be substituted for barbed wire if required for certain domestic animals—\$12 per rod.
- 4) A suspension fence will consist of at least four strands of barbed wire with the distance between posts not to exceed 100 feet and sufficient wire spacers to prevent sagging—\$6 per rod.
- 35) A high-tensile fence ~~must~~ will consist of at least ~~5~~6 strands of wire with the distance between posts not to exceed ~~30~~40 feet, with sufficient droppers to maintain proper wire spacing. The flat rate payment for high-tensile wire fence is \$12 per rod. The base cost is \$16—\$9 per rod.
- 4) Alternative materials and design may be used as approved by the IDNR Forester using materials that are treated or naturally resistant to decay. The flat rate payment for alternate materials fence is \$12 per rod. The base cost is \$16 per rod.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.50 Tending Forest Stands (Repealed)

~~Profitable production for timber, wildlife mast, or aesthetics can result from the application of proper methods of thinning or releasing of desirable crop trees and by cutting of designated vines attached to desirable crop trees. Thinning, vine removal and pruning are methods to increase growth rates of the best crop trees. Vines not on crop trees shall be retained for wildlife benefit.~~

- a) ~~Cost sharing will be approved for area one acre or larger.~~
- b) ~~Improvement measures shall be carried out in such a manner as to improve or protect the quality of the environment, especially wildlife habitat, as described in the Plan.~~
- e) ~~Cost-Share Rates/Specifications~~
 - 1) ~~Thinning/Crop Tree Release—75% of actual cost not to exceed \$45 per~~

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acre.

- A) ~~The District Forester must give prior approval of the practice area, the methods to be used based upon the density and condition of the trees, and the economic feasibility of the practice.~~
- B) ~~Work shall be done by cutting, girdling, and herbicide treatment of the surplus, diseased, cull or weed trees and by cutting designated vines attached to desirable crop trees. Thinning should release desirable tree species so as to leave per acre an adequately stocked stand composed predominately of high ranked timber species, well distributed, as described in the Plan. Stocking guides and species rank shall be determined by use of the appropriate table in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types", Illinois Technical Forestry Association (1972), Extension Forester, Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana, IL 61081 (no later editions or amendments are included).~~
- C) ~~Croptree management practice guidelines will follow the recommendations provided by "Croptree Management in Eastern Hardwoods" (Circa 1993), NA-TP-19-93, USDA Forest Service, Arlyin Perkey, Morgantown, WV (no later editions or amendments are included).~~
- D) ~~Herbicide treatment of stumps may be omitted when crop trees released are more than 20 feet tall. Herbicide treatment may also be omitted, if a double girdle is utilized. Double girdling shall be done only when stump sprouting will not be a serious problem. This method is described in Central Hardwood Notes, 6.10, August 1989 Northeastern Area, State and Private Forestry. USDA Forest Service. Both exceptions above must be approved in writing by the District Forester. All other treatment methods require use of approved herbicides.~~
- E) ~~Harvesting practices and silvicultural systems as prescribed in the Plan must be followed.~~
- F) ~~Cost Share assistance will not be given for any acre from which~~

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~~commercial products are being sold or traded in the process of carrying out the timber stand improvement practices.~~

- 2) ~~Pruning Crop Trees (side branch pruning) — 75% of actual cost not to exceed \$75 per acre.~~
- ~~A) The District Forester must give prior approval of the practice area. Crop trees must be marked or otherwise designated and the methods must be described in writing.~~
 - ~~B) In coniferous stands, the trees must have a minimum total height of 18 feet. All dead branches and all live branches up to one-half the total height of the trees must be pruned. Pruning to a total height of 17 feet is required where the trees are tall enough to meet this requirement. Not more than 100 final coniferous crop trees per acre, well distributed throughout the stand will be considered in determining the cost share payment.~~
 - ~~C) In deciduous stands, pruning to total height of 17 feet is required where trees are tall enough to meet the requirement of 34 feet. Pruned trees shall retain 40% to 50% of total height as live crown. Deciduous stands must have attained a minimum height of 12 feet to effect a minimum pruning height of 6 feet. Not more than 100 well distributed desirable crop trees per acre shall be selected and fine hardwood (white and red oak, black walnut, etc.) species will be given prime consideration. In order to reduce the risk of decay, prune no live limbs over 3 inches in diameter.~~
 - ~~D) All pruning must be as close to the stem as possible without disturbing the branch bark ridge and branch collar.~~
 - ~~E) Corrective pruning to influence tree form may be required in the Plan; but such pruning shall not be cost shared unless undertaken along with side branch pruning.~~

(Source: Repealed at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.51 Timber Stand Improvement

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The purpose of Timber Stand Improvement (TSI) is to increase tree growth and quality, improve forest vigor and health, influence tree species composition, enhance diversity of native flora, and improve wildlife habitat in forest stands by eliminating certain trees and vegetation to achieve optimal forest conditions. TSI practice is intended to benefit high quality desirable tree species in the dominant, codominant or intermediate canopy layer. TSI is implemented on the ground by following a detailed quantitative and qualitative prescription.

- a) Cost-share is only authorized for TSI based upon a silvicultural prescription, approved by the IDNR Forester, developed using forest stand analysis that supports the purpose for this practice and the goals and objectives stated in the Plan.
- b) Cost-Share Rates/Specifications
 - 1) Timber Stand Improvement – The flat rate payment for this practice is a variable amount ranging from \$45 to \$60 per acre. The base cost is a variable amount ranging from \$60 to \$80 per acre. The Plan preparer shall conduct a careful field inspection of current tree cover and condition to determine the appropriate category and cost-share rate. The cost-share categories and cost-share rates are:
 - A) Kill a minimum of 10 square feet for BA (basal area) per acre and release a minimum of 15 desired trees per acre. The flat rate payment for this practice is \$45 per acre with a base cost of \$60 per acre; or
 - B) Kill a minimum of 30 square feet of BA per acre and release a minimum of 25 desired trees per acre. The flat rate payment for this practice is \$60 per acre with a base cost of \$80 per acre.
 - 2) Work will be accomplished using approved methods, including cutting, girdling, herbicide treatment, or a combination of methods to favor and release trees to leave an adequately stocked stand composed of high quality, well-distributed trees. All cut trees not girdled must be completely severed from their stump. Stocking guides and species selection shall be determined by referencing literature and tables in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types", Illinois Technical Forestry Association (1972), Illinois Cooperative Extension Service, University of Illinois, 110

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Mumford Hall, Urbana IL 61081 or in "Crop Tree Management in Eastern Hardwoods", Arlyn Perkey 1993, NA-TP-19-93, USDA Forest Service, Morgantown WV (no later editions or amendments are incorporated).

- 3) Herbicide application treatments are required in implementing this practice when utilizing any method. Applications of herbicide must conform to and follow the label on appropriate herbicide products that are labeled and approved by the Illinois Department of Agriculture. Herbicide application may be omitted on cut stems or stumps of any desirable forest species noted in the Plan or on certain other species if approved by the IDNR Forester.
- 4) Cost-share assistance will not be approved for any acre from which commercial products from that acre are sold or traded in the process of carrying out the timber stand improvement practices.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.55 Pruning Hardwood Crop Trees

The purpose of pruning is to improve the quality and quantity of crop trees in a forest stand.

- a) Acceptable pruning of crop trees is corrective pruning to a single leader with side branch pruning. The flat rate payment for this practice is \$105 per acre. The base cost is \$140 per acre.
- b) The IDNR Forester must give prior approval of a practice area with individual trees marked and/or having a detailed written prescription addressing a minimum of 40 crop trees per acre having a minimum of 4 inches diameter at breast height (DBH).
- c) Prune to total height of 17 feet and retain at least 40% of total tree height as live crown. Prune no live limbs over 3 inches in diameter.
- d) All pruning final cuts must be targeted as close to the stem as possible without disturbing the branch bark ridge and branch collar. Assure that no branch stubs or flush pruning cuts are left on pruned trees.

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- e) Corrective pruning to influence tree form may be required in the Plan during the establishment of a forest stand. Early corrective pruning shall not be cost-shared unless undertaken along with side branch pruning as described in this Section.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.60 Permanent Firebreaks for Management and Protection of Forests

The purpose of this practice is to provide a practical and low cost way of affording protection to forests from damage by wildfire and to facilitate the use of prescribed fire as a management tool.

- a) ~~The lower branches of trees adjacent to firebreaks must be pruned to increase the effectiveness of the practice.~~ b) Cost Share Rates/Specifications 1) Firebreak Construction. The flat rate payment for this practice is \$200 plus \$4 per rod. The base cost for this practice is \$267 plus \$5 per rod. construction — 75% of actual cost not to exceed \$1.50 per rod.
- b2) ~~Firebreaks for the area shall be cleared to a minimum of 1 rod in width. Place (If erosion is a problem, place firebreaks on the contour, where possible, or construct the appropriate number of water bars to deflect flowing water.)~~
- c) Drainage structures shall be installed according to Table 5.1 in the Illinois publication Forestry Best Management Practices (available on the internet from the University of Illinois (web.extension.illinois.edu/forestry/timber_harvest/il_forestry_bmps_2007.pdf), Southern Illinois University (mypage.siu.edu/eholzmue/index_files/ilbmp.pdf) or from IDNR, Division of Forestry Resources, One Natural Resources Way, Springfield IL 62702; June 2007) when the grade exceeds 5%.
- d3) Firebreaks shall be permanent and shall be established and maintained by one of the following methods, assuring cleared functional width is maintained. must be diseed at least twice annually to keep vegetation from accumulating or as indicated in the Plan.
- 1) Disk at least twice annually to keep vegetation from accumulating as fuel or as otherwise detailed in the Plan.

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- 2) Establish and maintain by mowing a cover crop of cool season grass, clover or cereal grain. Vegetation must be maintained at a height less than 12 inches.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.65 Reducing Wildlife Damage

Control of wildlifeWildlife damage ~~control~~ is necessary at times to protect the investment in tree planting, direct seeding, or natural regeneration.

- a) This practice is limited to situations in which~~where~~ the need for damage control is evident or highly probable based on wildlife population. Consultation with IDNR~~DNR~~ District Wildlife Biologists is advised.
- b) In addition to these cost-share practices, other strategies to control wildlife damage must be included in the Plan and ~~must be implemented with the cost-share practice.~~
- c) Strategies ~~may~~ include legal~~Legal~~ hunting, providing alternate habitats, planting of species not favored by a given wildlife species, vegetation management~~eliminating mowing~~, or planting a companion species.
 - 1) Tree Shelters. The flat rate payment for this practice is \$225~~shelters—75% of the actual cost not to exceed \$150 per acre. The base cost is \$300 per acre. Commercial plastic or mesh products or other noncommercial materials or designs approved by the IDNR Forester may be used. The recommendation in the Plan as approved by the District Forester shall be followed. Requirements include:~~
 - A) A minimum of 50 tree~~Tree~~ shelters shall be evenly distributed throughout each acre.
 - B) Tree shelters~~Shelters~~ shall be maintained on desirable species~~as installed~~ for the life of the shelter or until they interfere with the growth of the tree. ~~Shelters may be moved to other seedlings only if the original trees have died.~~
 - C) Durable rot resistant stakes of wood, fiber, bamboo or other natural

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materials must be used.

- D) ~~Mesh~~Nylon mesh caps or other approved barriers shall be used as necessary~~may be needed~~ to prevent injury to avian species~~death of birds~~.
- E) Tree shelters must be a minimum height of 4 feet~~For protection from deer, 4 foot shelters meet minimum requirements~~.
- F) Cost-share of fewer than 50 shelters per acre is authorized only in conjunction with planting of containerized trees as defined in Section 1536.30(c)(3). Cost share for fewer than 50 shelters per acre will be prorated using 50 shelters as the basis.~~50 shelters per acre is the minimum.~~
- 2) Electric Fencing. The flat rate payment for this practice is \$0.75~~75% of the actual cost not to exceed \$0.50~~ per foot. The base cost is \$1.00 per foot. The purpose is to construct and maintain an electrified fence to ~~repel~~ deer from forestation or natural regeneration areas, sites, as follows:
- A) ~~Use VGR type fence wire, stainless steel~~ fence wire enclosed in plastic, wire ribbon or other suitable fence wire. Fence wire must be clearly visible or is the preferred type. ~~Other wire may be used, but must be~~ marked with bright color at minimum intervals of 25 feet.
- B) Design of fence must be submitted in writing and/or as diagrams or drawings and approved by the IDNR Forester prior to construction.~~For maximum benefit the fence must be charged throughout the year so as to affect deer behavior.~~
- C) ~~The service life of the fence shall be determined in the Plan or by separate written prescription.~~
- D) ~~The fence should be installed prior to planting or at the time of planting to influence deer behavior.~~
- 3) Repellants. The flat rate payment for this practice is~~75% of the actual cost not to exceed \$15~~ per acre. The base cost is \$20 per acre. ~~The~~

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~~purpose is to prevent damage to trees by reducing wildlife browsing to protect forestation or natural regeneration sites.~~

- A) ~~Scents~~ Either scent or taste repellants or physical barriers such as bud protectors may be used as specified in the Plan; the Plan shall prescribe specific types.
 - B) ~~Label~~ Label directions for rates, timing and frequency on approved scent and taste products must be followed. Renewal applications must be made in a timely manner, per the label.
 - C) A minimum of 50 trees evenly distributed throughout each acre must be treated to protect the terminal leader by using physical barriers. The primary treatment shall be done by treatment of the central leader of the seedling.
- 4) ~~Bud or Growing Point Protectors — 75% of the actual cost not to exceed \$5 per acre. Such devices as mesh netting, tubes, or bud caps may be used to protect seedling plants. Installation of such devices shall be according to the manufacturer's recommendations and the written prescription in the Plan.~~

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.70 Site Preparation for Natural Regeneration

The purpose of this practice is to create site conditions, including adequate light conditions reaching the forest floor, favorable for the establishment, development and/or release of desirable regeneration ~~establish a stand of high value forest species through natural regeneration for timber production purposes and to protect and improve the environment. For guidelines on species preference, refer to the ITFA Guide, cited previously, in Section 1536.25(e).~~

- a) ~~Cost-share~~ Cost sharing is not authorized for areas totaling of less than one acre.
- b) ~~Cost-share may be~~ Cost sharing is authorized for planting seed or planting seedlings should one additional regeneration treatment, by use of seed or seedlings on the area originally site prepared, if by uncontrollable circumstances, such as weather related problems, etc., natural regeneration fail fails to become established

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to the ~~desired~~required stocking level within 4 full growing seasons after site preparation for natural regeneration has been implemented.

c) This practice should only be prescribed within 15 years prior to a scheduled harvest or post-harvest as prescribed in the Plan.

d) Cost-Share Rates/Specifications~~Specification~~

1) Tree/Shrub Removal. The flat rate payment for this practice is a variable amount ranging from \$75 to \$270 per acre. The base cost is a variable amount ranging from \$100 to \$360 per acre. The Plan preparer shall conduct a careful field inspection of current vegetative cover on the site to determine the appropriate category and cost-share rate.

A) Cost-share Categories and Cost-share Rates

<u>Category</u>	<u>Flat Rate/A.</u>	<u>Base Cost/A.</u>
i) <u>treat fewer than 150 stems/A.</u>	<u>\$75</u>	<u>\$100</u>
ii) <u>treat 150 through 300 stems/A.</u>	<u>\$90</u>	<u>\$120</u>
iii) <u>treat 301 through 1000 stems/A.</u>	<u>\$180</u>	<u>\$240</u>
iv) <u>Treat more than 1000 stems/A.</u>	<u>\$270</u>	<u>\$360</u>

B) Target plants will be removed by cutting, girdling and/or herbicide treatment. Undesirable species must be treated with an appropriate herbicide to prevent resprouting. Treatment must address all target species and result in a minimum mortality or effective control rate of 85%.

C) Prescribed burning and/or soil scarification may be used in conjunction with this practice.

D) The goal of this practice is to obtain a 40-60% stocking level in the stand canopy composed of well-distributed, desirable, dominant and/or co-dominant trees.

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- E) Post-harvest regeneration openings must have a radius, in feet, equal to or greater than the average height of adjacent dominant forest trees. All undesirable live stems necessary to meet practice objectives should be eliminated in regeneration harvest openings.
- F) Site preparation for natural regeneration may require treatment of woody shrubs and light infestations of woody exotic shrubs, along with undesired trees and tree species, in order to establish adequate light levels to achieve the practice objective.
- G) Site preparation for natural regeneration under subsection (d)(1)(A)(iii) and (iv) may require killing undesirable stems of small size to adequately meet the practice objective.
- 2) Soil Scarification. The flat rate payment for this practice is \$75 per acre. The base cost is \$100 per acre. The goal is to obtain a 60-80% stocking level whereby a minimum of 20% to 40% of the available light reaches the forest floor, and other site factors are modified to enhance regeneration, by means of: reduction or elimination of competing vegetation, including unmerchantable or undesirable trees and brush, discing or tillage, use of foliar, cut surface, injected herbicides, mechanical removal of shallow rooted species, prescribed burn, and other measures as prescribed in the Plan.
- A) The purpose of this component is to expose mineral soil to enhance the establishment of oak and other desirable species.
- B) This practice shall be performed in the fall of an abundant seed crop prior to leaf drop.
- C) A timber harvest, prescribed fire or tree/shrub removal may be needed in addition to scarification to enhance the survival, growth and development of newly established seedlings.
- 3) Prescribed Fire. The flat rate payment for this practice is \$1,500 plus \$50 per acre. The base cost is \$2,000 plus \$67 per acre. The maximum allowable payment to any timber grower in any one fire season is \$7,000. A complete written prescription, in the Plan or submitted as an addendum, must be approved by the District Forester prior to initiation of

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~~this practice. The prescription shall address the process outlined in "Regenerating Red Oaks" by Rod Jacobs, Silviculturalist, U.S. Forest Service, State and Private Forestry, St. Paul, Minnesota (1987) (no later editions or amendments are included). The prescription shall also address the "Elements of a Silvicultural Prescription" and the appropriate "Silvicultural Systems and Regeneration Methods" described in the "FORESTRY HANDBOOK" 2nd Edition, Edited by Karl F. Wenger, for the Society of American Foresters, 5400 Grosvenor Lane, Washington DC 20014 (1984) (no later editions or amendments are included).~~

- ~~A) The objective of this practice is to reduce the density of forest competition and leaf litter to stimulate growth and regeneration of desirable species.~~
- ~~B) Cost-share may be authorized for up to 3 fires in the same area within a 10 year period, if prescribed in the Plan. A detailed prescribed fire plan must be prepared and approved, prior to any burning, in accordance with IDNR policy and procedures.~~
- ~~C) Prescribed fire must burn forest floor fuels to result in an 80% complete combustion of the target area and fuels.~~
- ~~4) Creation of suitable soil conditions for establishment of seedlings of desired species is particularly crucial for oak species. A reasonable expectation of seed deposition on the area to be regenerated must be imminent and abundant before site preparation is performed.~~
- ~~5) This practice should not be done more than 20 years prior to a scheduled regeneration cut.~~

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.75 Forestry Best Management Practices

The purpose of this practice is to promote the use of best management practices (BMPs) and streamside management zones (SMZs) through the construction, establishment, maintenance or renovation of roads, trails, culverts, stream crossing structures and landing areas for the purpose of improving and protecting soil and water quality.

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- a) Cost-share is authorized for the establishment of grasses, legumes or temporary cereal crops on skid trails, log landings or other forest roads or trails used during timber harvesting. Rates include site preparation, seed cost, soil tests and installation.
- b) Cost-share is authorized for the construction and installation of drainage structures.
- c) Cost-share is authorized for the construction and installation of rock fords, culverts and bridges that will be used as temporary or permanent crossings over streams, ravines and ditches during a logging operation.
- d) Practices will be implemented and completed according to the publication Forestry Best Management Practices (see Section 1536.60(c)).
 - 1) Critical Area Seeding. The flat rate payment for this practice is \$50 per acre. The base cost is \$67 per acre.
 - 2) Water Bars. The flat rate payment for this practice is \$0.50 per linear foot of structures. The base cost is \$0.67 per linear foot of structures.
 - 3) Water Deflector and Open Top Culvert. The flat rate payment for this practice is \$3 per linear foot of structures. The base cost is \$4 per linear foot of structures.
 - 4) Culverts (steel, aluminum, polyurethane). The flat rate payment for this practice is a variable rate per linear foot of structure based on culvert diameter.

	<u>Category</u>	<u>Flat Rate/Ft.</u>	<u>Base Cost/Ft.</u>
A)	<u>15" diameter culvert</u>	<u>\$16</u>	<u>\$21</u>
B)	<u>18" diameter culvert</u>	<u>\$19</u>	<u>\$25</u>
C)	<u>21" diameter culvert</u>	<u>\$22</u>	<u>\$29</u>
D)	<u>24" diameter culvert</u>	<u>\$25</u>	<u>\$33</u>

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- 5) Portable Timber Bridges. The flat rate payment for this practice is \$375 per harvest. The base cost is \$500 per harvest.
- 6) Rock Fords. The flat rate payment for this practice is \$500 per ford. The base cost is \$666 per ford.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.77 Invasive and Exotic Species Control

The purpose of this practice is to eradicate or control the establishment and spread of exotic and invasive plants that threaten forest regeneration, productivity, native plant diversity and wildlife habitat.

- a) Cost-share is authorized for the control of species that are considered a biological threat to the successful establishment or management of the forest flora. Target species must be identified in the Plan.
- b) Invasive and Exotic Species Control. The flat rate payment for this practice is a variable amount ranging from \$30 to \$495 per acre. The base cost is a variable amount ranging from \$40 to \$660 per acre. Treatment is to be applied to/attempted for all target species present and result in a minimum mortality or effective control rate of 85%.

1) Cost-share categories and flat rate payments are:

<u>Category</u>	<u>Flat Rate/A.</u>	<u>Base Cost/A.</u>
A) <u>Less than 10% of treatment area occupied by target species; brush mowing may be used</u>	<u>\$30</u>	<u>\$40</u>
B) <u>10% to 25% of treatment area occupied by target species</u>	<u>\$60</u>	<u>\$80</u>
C) <u>26% to 50% of treatment area occupied by target species</u>	<u>\$90</u>	<u>\$120</u>

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D)	<u>51% to 75% of treatment area occupied by target species</u>	<u>\$180</u>	<u>\$240</u>
E)	<u>More than 75% of treatment area occupied by target species</u>	<u>\$495</u>	<u>\$660</u>

2) Treatment methods can be combined and may be accomplished mechanically and/or by herbicide application, cutting, pulling, burning or other means. Cost-share may be authorized for second and third treatments to the same treatment area within a 10-year period, as outlined in the Plan.

A) Additional treatment of Category D or E areas may be cost-shared no higher than Category B.

B) Additional treatment of Category B or C areas may be cost-shared no higher than Category A.

C) Aerial applications as an initial treatment will be cost-shared no higher than Category D.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.80 Appeal

- a) Any ~~landowner and/or~~ timber grower whose proposed Plan or completed practice is not approved by the ~~IDNR District~~ Forester may appeal to the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, ~~an IDNR District~~ Forester from another district in the Region and the Forest Management Program Administrator.
- b) The appeal must be made in writing to the State Forester or his or her designee within 30 days ~~after from~~ the date that the proposed Plan or completed practice was disapproved by writing to the address in Section 1536.90.
- c) The Regional Review Committee will conduct a meeting to receive written and oral arguments of the applicant and to reconsider the proposed Plan and completed cost-share practices.

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- d) The Regional Review Committee will notify the applicant in writing within 30 days after the meeting date stating the reasons for which the original decision is upheld or reversed.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.90 Information

Anyone wishing additional information concerning this Part, may contact: ~~the~~

Administrator,
Forest Management Programs-
[Illinois](#) Department of Natural Resources
Division of Forest Resources
[One Natural Resources Way](#)~~P.O. Box 19225~~
Springfield [IL 62702-1271](#), ~~Illinois 62794-9225~~

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

Section 1536.100 Penalty

Each participant in this [Forestry Development](#)~~State~~ Cost-Share Program is responsible for complying with the terms and conditions ~~stated in~~ the [Agreement](#)~~agreement~~, and shall follow the provisions detailed in the Plan. Refund of all cost-share payments made will be required if the [Agreement](#)~~agreement~~ is not followed and/or the practice is not maintained for its minimum lifespan. Each practice carries a 10 year life span starting on the date the practice was completed and approved by [IDNR](#)~~the District Forester~~. Refund checks should be made payable to the Illinois Department of Natural Resources. Participants who refuse voluntary repayment will be subject to liens filed against their property or withholding of State payments by the Comptroller of Illinois.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

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- 1) Heading of the Part: Forest Management Plan
- 2) Code Citation: 17 Ill. Adm. Code 1537
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1537.1	Amendment
1537.2	Amendment
1537.5	Amendment
1537.6	New Section
1537.10	Amendment
1537.12	New Section
1537.15	Amendment
1537.18	New Section
1537.20	Amendment
1537.21	New Section
1537.25	Repealed
1537.30	Repealed
1537.38	New Section
1537.40	Repealed
1537.42	Amendment
1537.45	Repealed
1537.50	Repealed
1537.55	Repealed
1537.60	Amendment
1537.65	Repealed
1537.70	Repealed
1537.71	New Section
1537.72	New Section
1537.75	Amendment
1537.80	Repealed
1537.85	Amendment
1537.90	Repealed
1537.EXHIBIT A	Amendment
1537.EXHIBIT B	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
- 5) Effective Date of Rules: March 31, 2017

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16680; December 30, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 1537.5, subsection "e)" has been added as follows:

"e) Grandfathered parcels; Timber growers owning less than 10 acres who were enrolled prior to 2009 and have maintained continuous participation, meeting program requirements, may participate as grandfathered parcels until such time as they withdraw or are cancelled by an IDNR Forester. Those growers may not reduce enrolled acreage. Grandfathered acreage may be re-enrolled and may be transferred to another grower if the grandfathered acreage changes ownership,"

Section 1537.Exhibit A, paragraph "VIII(A)" has been changed to read:

"List the practices planned for each stand for the next 10 years; list these practices in priority order, use a table format."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part has been amended as requirements concerning opportunities with partnering agencies and national opportunities have changed and expanded to further benefit the forest resources and all citizens of Illinois and beyond. Costs of forest management practices in this Part as incentives to grow timber and yield wildlife habitat or other environmental services and benefits have increased. Important practices have been added and obsolete practices have been amended or repealed.
- 16) Information and questions regarding these adopted rules shall be directed to:

Javonna Ackerman, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

The full text of the Adopted Amendments begins on the next page:

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

PART 1537
 FOREST MANAGEMENT PLAN

Section	
1537.1	Definitions
1537.2	Forest Management Plan Development
1537.5	Eligibility
1537.6	Cover Page and Certification Form
1537.10	Property Location and Description of the Land to be Managed
1537.12	Goals and Objectives
1537.15	Maps Map of the Area
1537.18	Soils Information
1537.20	Stand Description and Analysis of Forest Types to be Managed
1537.21	Stand Practices
1537.25	Harvest Schedule Projected 10 Years (Repealed)
1537.30	Reforestation and Afforestation (Repealed)
1537.35	Afforestation Plan (Repealed)
1537.38	Conservation Opportunities, Constraints and Concerns
1537.40	Forest Regeneration Plan (Repealed)
1537.42	Recreational Use and Aesthetics Esthetics
1537.45	Soil and Water Conservation Goals (Repealed)
1537.50	Forest Wildlife Habitat Enhancement (Repealed)
1537.55	Protection Measures (Repealed)
1537.60	Management Practice Activity Schedule Silviculture Practices Required, Sequence and Specification
1537.65	An Estimate of the Practice Costs (Repealed)
1537.70	Forest Management Plan Approval (Repealed) Approved
1537.71	Plan Review
1537.72	Cancellation Process
1537.75	Appeals
1537.80	Annual Review Process (Repealed)
1537.85	Information
1537.90	Amended Plans (Repealed)
1537.EXHIBIT A	Forest Management Suggested Forest Plan Outline

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1537.EXHIBIT B The Illinois Forestry Development Act (FDA) "Forest Management Plan Certification"

AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].

SOURCE: Adopted and codified at 8 Ill. Reg. 8732, effective June 6, 1984; amended at 9 Ill. Reg. 14278, effective September 5, 1985; amended at 14 Ill. Reg. 18222, effective October 29, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 41 Ill. Reg. 4306, effective March 31, 2017.

Section 1537.1 Definitions

"Advance Regeneration" – tree seedlings and saplings established and growing in the forest understory.

"Afforestation" ~~means~~ the establishment of forest trees by planting or seeding an area not previously forested ~~a tree crop on an area from which trees have always or long been absent.~~

"Basal Area" or "BA" – a measurement of the cross-sectional area of a tree, taken at breast height (4½ ft.); a term commonly used as a measure of forest density and expressed in square ft./acre ~~means the area of the cross-section of a tree stem at breast height, and is used to express relative density of trees per acre.~~

"Base Cost" – the estimated total cost of work for a practice based on the market.

"Cancel" – the act of an IDNR Forester cancelling a timber grower's Plan and enrollment in the Program due to:

sale of property;

failure to follow or implement prescribed practices;

failure to adhere to 17 Ill. Adm. Code 1536; or

due to a timber grower performing or advocating any act or effort that damages, hinders or destroys forest land or forest resources in the FDA

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Program.

Cancellation removes a timber grower from the Program, thus precluding any benefits of the FDA Program, including preferential property tax assessment levels guaranteed by the program.

"Compatible Forestry Use" – lands not having productive forest, but that are permanent natural features or land uses that facilitate, compliment or enhance natural wildlife habitat, natural resource conservation or environmental or site quality, such as a rock outcropping, open wetland, natural grassland, firebreak, food plot or pond.

"Contiguous" – continuing without interruption by a nonforestry land use.

"DBH" or "Diameter at Breast Height" – ~~the~~ means diameter of a tree's trunk measured at breast height (DBH) defined as 4½ feet above the ground level on the uphill side.

"Desirable Species" – native or adapted forest trees, shrubs and herbs having desirable attributes as forest products and habitat.

"FDA" means the Illinois Forestry Development Act [525 ILCS 15].

"Flat Rate Payment" – a lump sum cost-share payment to a timber grower to cover a portion of the cost of a successfully completed practice, according to 17 Ill. Adm. Code 1536 and the Program Agreement.

"Forest" – a biological community whose dominant vegetation ~~means an area whose principal crop~~ is trees.

"Forestry Best Management Practices" or "BMPs" – practical and economically achievable practices for preventing or reducing nonpoint source pollution.

"Forestry Management Plan" or "Plan" – a written forest management planning document required of an entity entering the Program described in 17 Ill. Adm. Code 1536 and prepared by a timber growers, professional forester or natural resource manager to guide and direct the use and management of a forest property according to the FDA, this Part and 17 Ill. Adm. Code 1536. The Plan must be certified by the IDNR Forester.

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"IDNR Forester" – an employee of the Department of Natural Resources, Division of Forest Resources, who is designated by position title as Forest Management Program Manager, Regional Forestry Administrator, Forestry Natural Resource Specialist or Natural Resource Advanced Specialist.

"Practice" – specific activities prescribed to be completed in an effort to improve or enhance the health, composition, quality, regeneration and growth of forests.

"Program" means the Forestry Development Cost-share Program authorized by the FDA and implemented at 17 Ill. Adm. Code 1536.

"Reforestation" – ~~means the re-establishment of forest cover by natural or artificial means on areas recently or historically supporting forest cover~~restocking with trees of forest land.

"Regeneration" – the renewal of a tree crop by natural seeding, sprouting, planting, harvesting or other methods; also includes young trees that will develop into the future forest~~means the renewal of a tree crop by natural or artificial means.~~

"Silviculture" – ~~means the art, science and practice of establishing, tending and regenerating forest stands~~art of cultivating forest crops for the production of goods and services; the theory and practice of controlling forest establishment, composition and growth.

"Special Sites" – sites offering unique historical, archaeological, cultural, geological, biological or ecological characteristics.

"Stand" – ~~means a group of trees that, because of their similar age, condition, composition, management history and soil characteristics, are logically managed together as a single unit~~community of trees possessing sufficient uniformity in regard to composition, density, age, spatial arrangement, or condition, thus forming a silvicultural or management entity.

"Stocking" – a function of the number of trees, basal area and quadratic mean diameter per acre in a specific forest area compared to the optimal level to best achieve management objectives. Stocking may be expressed as a percentage or in relative terms such as understocked, fully stocked or overstocked.~~means~~

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~~subjective indication in a forest of the number of trees as compared to the desirable number for best results. (For example — In an upland forest with an average tree diameter of 3 inches, 38 square feet of basal area is acceptable. Where the trees average 18 inches, the acceptable level is 77 square feet, stocking guidelines are to be found in "Recommended Silvicultural and Management Practices for Illinois Hardwood Forest Types" (1972) Extension Forester, Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana, IL 61081 (No later editions or amendments are included)).~~

~~"Timber" – trees, standing or felled, and parts of trees, that are capable of attaining a size and form that allows the trees to be sawn into usable lumber products, excluding Christmas tree plantations and woody crops raised primarily or exclusively for use as firewood or biomass.~~ means trees, standing or felled, and parts thereof, excluding Christmas trees and producers of firewood.

~~"Timber Grower" – means~~ the owner, tenant or operator of land in this ~~State~~ state who has an interest in, or is entitled to receive any part of the proceeds from, the sale of timber grown in this State and includes persons exercising authority to sell timber.

~~"Timber Stand Improvement" or "(TSI)" – a combination of~~ is a term comprising all intermediate cultural ~~cuttings or other silviculture treatments designed to improve the growth, condition and~~ made to improve the composition of the forest, condition and increment of a timber stand.

~~"Treatment" – the act or effort of performing and successfully completing a practice or a combination of practices included in the Plan.~~

~~"Tree Shelter" – a constructed or commercially purchased shelter that is at least 4' in height designed to protect a tree from wildlife damage and/or enhance growth. Tree shelters must conform to 17 Ill. Adm. Code 1536.65(c)(1).~~

~~"Wetlands" – those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.~~

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

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Section 1537.2 Forest Management Plan Development

Timber growers~~A landowner or their representatives~~his/her representative may develop a 10-year Forest Management Plan (proposed Plan)~~forest management plan~~ and submit it to the~~their~~ local Illinois Department of Natural Resources, Division of Forest Resources, IDNR Forester serving the county in which the land is located. The IDNR Forester will review and certify the proposed Plan in accordance with this Part.~~(DNR) District Forester.~~ The Forest Management Plan will include those items listed under Section 1537.10 to 1537.65. A suggested An outline listing all the required content, format and order of an eligible Plan~~of the forest plan is shown in Exhibit A.~~ Plans must adhere to this Part, including Exhibit A. Forest practice standards and specifications recommended or required by the Plan preparer must meet those outlined in 17 Ill. Adm. Code 1536.

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.5 Eligibility

The Illinois Forestry Development Act creates a voluntary cost-share program.~~A timber grower must own or operate at least 5 contiguous acres of land at least 100 feet wide on which timber is produced. No acre on which a permanent building is located shall be included in calculations of acreage for the purpose of determining eligibility.~~

- a) A minimum of 90% of lands designated in the Plan must physically and biologically support forests and timber. Land not supporting forest or growing timber may total up to 10% of Plan acreage if it is a compatible conservation use or important to conservation and timber management and occurs as an integrated, inseparable or adjacent natural resource.
 - 1) Lands used as field windbreaks, commercial nut/fruit orchards, commercial farmland, landscape nurseries, Christmas trees or similar nonforestry uses are not eligible for enrollment.
 - 2) Annual food plots or similar wildlife openings in or adjacent to the forest that are tilled, worked and seeded or planted annually or occasionally may not exceed 2 acres and may not occur at a density greater than 2 total acres of plot per 40 acres. No existing forest may be cleared to create a food plot or wildlife opening.
- b) A timber grower must own or operate at least 10 contiguous acres of land that is

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systematically managed for the production of timber and natural resource conservation. No acre on which a permanent building is located shall be included in calculations of acreage for the purpose of determining eligibility. Once eligibility of the 10 contiguous forest acres is met, additional forested acres one acre in size or larger located on contiguous or adjoining parcels under the same ownership are eligible to be included in the Plan. Non-forested areas adjoining the 10+ qualifying contiguous acres may be included in the Plan for Compatible Forestry Use under subsection (a)(2).

- c) The timber grower must agree to implement the Plan and demonstrate progress in completing the required practices of that Plan. Participants must allow field inspections by the IDNR Forester to ensure Plan compliance.
- d) All acreage and status changes or Plan modifications must be documented on an original or new Certification Form signed by the IDNR Forester and the timber grower.
- e) Grandfathered parcels; Timber growers owning less than 10 acres who were enrolled prior to 2009 and have maintained continuous participation, meeting program requirements, may participate as grandfathered parcels until such time as they withdraw or are cancelled by an IDNR Forester. Those growers may not reduce enrolled acreage. Grandfathered acreage may be re-enrolled and may be transferred to another grower if the grandfathered acreage changes ownership.

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.6 Cover Page and Certification Form

All Plans must include the first page as a cover page with the following minimum correct information: timber grower's and Plan preparer's name, address, phone number and email address (if available), date of the proposed Plan preparation, number of acres covered under the Plan and duration of the Plan. Additionally, proposed Plans must be accepted and signed by the timber grower and certified by the IDNR Forester in writing on the Forest Management Plan Certification Form (Exhibit B). The IDNR Forester will notify the timber grower and proposed plan preparer of the certification, or the reasons that prevent the proposed Plan from being certified, within 60 days after receiving it. Upon Plan certification, the timber grower may have the IDNR Forester submit a Plan Certification Form to the Illinois Department of Revenue and the county assessor will be notified quarterly in accordance with Section 10-150 of the Property Tax Code [35 ILCS 200].

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(Source: Added at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.10 Property Location and Description of the Land to be Managed

The minimum legal description of the property to be managed ~~must~~will include quarter section, section, township, range and county. Plans must describe the relationship of the forest property in context to the surrounding properties. A minimum property description should include a geographic location, access to the property and forest, significant features, management history and restrictive easements and property index number or parcel number (if used by the County Assessor's Office).

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.12 Goals and Objectives

A timber grower's goals or objectives regarding management of the forest or land and any natural resource concerns must constitute a section of the Plan and must be compatible with the FDA, this Part and 17 Ill. Adm. Code 1536. The FDA program participation requires the production of timber as an ongoing objective. Specific stand recommendations in the Plan are to be based on the goals, objectives or concerns stated in that section of the Plan. Management goals, objectives or concerns stated in that section should be clear, time specific, achievable and expressed in terms that are measurable.

(Source: Added at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.15 Maps~~Map of the Area~~

Aerial photography or maps clearly depicting the property and forest stands and the soils within the stands, as well as other important features, are required for each Plan. Maps must include at least the information and specifications listed in Section 10 of Exhibit A. A map encompassing the area must accompany the written plan and indicate the stands where silvicultural treatments are required. The map will have a minimum scale of 8" to the mile, and shall be reproducible on black and white copiers.

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.18 Soils Information

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All Plans must include a description of soil properties and features affecting forest growth and productivity. Information may be generalized over the property when soil conditions are uniform or addressed on a stand-by-stand basis and mapped on aerial photography. Soil information must include the soil names, mapping units, site index and timber yield productivity for primary tree species. Information should include facts about drainage, erodability or other management limitations.

(Source: Added at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.20 Stand Description and Analysis of Forest Types to be Managed

- a) A description is required for each of the present forest stand regardless of size in acres. The information and data must be described and interpreted in detail and include all items listed in Section 5 of Exhibit A for each forest or reforestation standstands and the conditions that created the existing stand structure, species composition, forest cover types and/or forest site types, and whether the main canopy stand is even-aged or all-aged.
- b) Systematic Inventory
A systematicAn inventory of eachthe forest stand must bestands conducted and must include all forest trees of 2 inch diameter or larger.
 - 1) For each forest stand under 10 acres, data may be collected through any valid systematic or professional methodology.
 - 2) Each forest stand 10 acres or greater requires that a detailed forest inventory be conducted. in accordance with the procedure outlined in the Illinois Forest Inventory dataData must be analyzed by statistically sound software programs or hand calculation based on forest measurement principals. Inventory-analysis programs must beProcessing System (IFIDP) or any other procedures which will be approved by the IDNR ForesterDepartment. Criteria for forest inventory accuracy are $\pm 10\%$ of the basal area/acre and $\pm 10\%$ of the volume/area using a 90% statistical confidence level. provided the criteria for accuracy are met. The IFIDP procedure is filed in all Division of Forest Resource, DNR District Offices and available to the public for review. Trees from 2" DBH should be included in the inventory and accuracy should be + or - 10% of the basal area at the 66% confidence level. The inventory described is not required for stands less than 5 acres.

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- c) ~~Copies of inventory plot data~~Inventory and field ~~notes~~data must be delivered to the ~~IDNR District~~ Forester for review upon request. The ~~IDNR Forester~~review will determine if all of the ~~information~~required inventory data for the plan is ~~present, complete, and~~ meets accuracy requirements. Forestry inventory data is considered valid for 10 years from the growing season it was recorded. Use of older data is not allowed unless specifically approved in writing by the IDNR Forester in advance of Plan preparation (~~+ or - 10% of the basal area at the 66% confidence level~~).
- d) ~~Forest site types are described in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types" (1972), Extension Forester, Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana, IL 61081 (no later editions or amendments are included); Illinois Technical Forestry Association and forest cover types as described in "Forest Cover Types of the United States and Canada", Society of American Foresters (1980) 5400 Grosvenor Lane, Washington, D.C., 20014 (no later editions or amendments are included). These references are filed with the Division of Forest Resources, Department of Natural Resources District Offices and with the State Library and available to the public for review.~~
- e) ~~Forest Cover Types~~
- ~~Bald Cypress~~
 - ~~Bald Cypress, Tupelo~~
 - ~~Beech, Sugar Maple~~
 - ~~Black Ash, American Elm, Red Maple~~
 - ~~Black Locust~~
 - ~~Black Oak~~
 - ~~Black Willow~~
 - ~~Bur Oak~~
 - ~~Chestnut Oak~~
 - ~~Cottonwood~~
 - ~~Eastern Red Cedar~~
 - ~~Northern Pin Oak~~
 - ~~Northern Red Oak~~
 - ~~Northern White Cedar~~
 - ~~Overcup Oak~~
 - ~~Pin Oak, Sweetgum~~

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~~Post Oak, Blackjack Oak~~
~~River Birch, Sycamore~~
~~Sassafras, Persimmon~~
~~Silver Maple, American Elm~~
~~Sugar Berry, American Elm~~
~~Sugar Maple~~
~~Sugar Maple, Basswood~~
~~Swam Chestnut Oak, Cherrybark oak~~
~~Sweetgum, Yellow Poplar~~
~~Sweetgum, Willow Oak~~
~~Sycamore, Sweetgum, American Elm~~
~~Tamarack~~
~~Yellow Poplar~~
~~Yellow Poplar, White Oak, Northern Red Oak~~
~~Water Tupelo~~
~~White Oak~~
~~White Oak, Black Oak, Northern Red Oak~~
~~White Pine~~

f) ~~Forest Site Types~~

~~Oak Hickory~~
~~Mixed Oak~~
~~Mixed Hardwoods~~
~~Mixed Soft Hardwoods~~
~~Mixed Hard Hardwoods~~
~~Mixed Bottomland Hardwoods~~
~~Sycamore, Cottonwood, Willow~~
~~Cypress~~

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.21 Stand Practices

A detailed narrative description and interpretation of recommended and required silvicultural practices based on the designated silvicultural system and stand specific objectives is required for each forest or reforestation stand regardless of size in acres. Silvicultural treatments or prescriptions should be integrated with timber grower objectives and management of surrounding stands. Recommendations and information must include all practices required for

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the following 10 years and include all items listed in Section 6 of Exhibit A.

- a) Timber harvest recommendations must achieve goals of the silvicultural system for forest regeneration and the Plan and harvest recommendations must include strategies to assure timely regeneration of forest stands. Forest practices that establish advanced regeneration prior to harvest are considered a priority to the Division of Forest Resources. A timber harvest projection must be made if a harvest is not recommended in the 10 year schedule. All timber harvesting activities must adhere to the laws of Illinois and follow the Illinois Forestry Best Management Practices (BMPs). A copy of the BMPs (June 2007, or most current version) is available on the University of Illinois, Southern Illinois University and IDNR websites.
- b) Reforestation and afforestation practices must address site preparation, planting methods, vegetation control, species selection, species quantities, spacing and planting design. FDA Certification may be cancelled in accordance with Section 1537.72 if the reforestation is not completed by the second planting season, unless delayed due to circumstances beyond the control of the timber grower.

(Source: Added at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.25 Harvest Schedule Projected 10 Years (Repealed)

~~The projection shall be based on forest inventory and will include the description of the areas to be harvested and the estimated volume to be harvested per acre. Harvest schedules are not required for afforestation and reforestation areas or when a harvest is not recommended within 10 years. An unforeseen need for harvest due to salvage and sanitation reasons may be added in an amended plan.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.30 Reforestation And Afforestation (Repealed)

~~This Section, if needed, must address site preparation, planting methods, pre and post care, species selection, soil series, landowner objectives and be identified on the map. The open areas designated for planting and described in an approved plan will not be submitted to the Illinois Department of Revenue as provided by Section 1537.70 until the following provisions are met: the planting is completed or the designated open areas remain idle and are not used for the growing of non forest crops, pasture or any other agriculture purposes.~~

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(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.38 Conservation Opportunities, Constraints and Concerns

Plans must address the resource values and items outlined in Section 7 of Exhibit A and integrate forestry practices with conservation of habitats, natural resource features and the greater landscape.

(Source: Added at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.40 Forest Regeneration (Repealed)

~~The forest management plan must prescribe an appropriate silvicultural system and include detailed strategies to assure regeneration of the forest. This can be accomplished by silvicultural treatments, timber stand improvement, site preparation, tree planting or combinations of the above activities.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.42 Recreational Use and Aesthetics~~Esthetics~~

- a) Recreation and aesthetic use and visual quality considerations that are compatible with forestry practices, goals and objectives are encouraged. Intensive uses such as commercial campgrounds, off-road vehicle parks, or similar endeavors are not permitted. Passive and/or nonintensive recreational and aesthetic activities that may produce revenue are allowed.
- b) Air, soil and water quality conservation must consider soils, topography and riparian areas when choosing silvicultural treatments and practices. Measures to reduce and stabilize soil erosion shall be included. Recommendations must adhere to federal, State, county and local laws and regulations.
- c) Wetlands described in the Plan must be conserved and considered when choosing silvicultural treatments and practices. Ecological values of conserving wetlands and forested wetlands shall be discussed.
- d) Fish, wildlife and biodiversity habitat practices that enhance terrestrial and aquatic species should be integrated into the Plan. Recommendations should be

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consistent with the Illinois Wildlife Action Plan.

- e) Forest health and protection are to be integrated into stand recommendations and practices. Forest health threats or conditions must be addressed, as well as appropriate procedures to detect and adjust management for significant biological and environmental concerns.

- f) Threatened and endangered plant and animal species, as well as special cultural, historical and archaeological resources, must be identified to the extent possible by consulting the Ecological Compliance Assessment Tool (EcoCAT) inventory database available on the IDNR website, through field observations and via communication with timber growers and natural resource specialists. Management recommendations for rare, threatened or endangered species must be discussed with qualified experts and, if a federally listed species requiring habitat protection or special Illinois cultural sites exist, the Plan will be adjusted.

~~These uses, when compatible with the intent of IFDA, shall be incorporated into the plan, depending upon the landowners goals and objectives. Such uses, as follows are encouraged: wildlife observation, sport hunting, fee hunting, hiking, photography and others. Campground use and other intensive uses are not permitted. Development of a hiking trail for recreational uses and esthetic appreciation or for other practical uses may be recommended and prescribed in the plan. Measures to protect soil and water values shall be utilized for trail development and maintenance.~~

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.45 Soil and Water Conservation Goals (Repealed)

~~The forest management plan shall include measures to reduce soil erosion to acceptable tolerance levels. Consideration of the soils shall be made when choosing silvicultural treatments. The treatments chosen on all sites should be those that will stabilize or otherwise conserve the soil, particularly for harvest treatments.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.50 Forest Wildlife Habitat Enhancement (Repealed)

~~Forest wildlife concerns must be taken into consideration in the implementation of the silviculture practices. The minimum requirements for wildlife is the maintenance of all the~~

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~~forest components from ground cover, shrubs through trees. Enhancement practices, if any, must be integrated in the forest plan and the conservation practices initiated. Practices to enhance forest wildlife populations shall address the most limiting factors for wildlife populations.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.55 Protection Measures (Repealed)

~~Procedures must be established to deal with insect, disease and environmental problems. Where wildfire is a danger, firebreaks or other protective measures must be integrated in the forest plan.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.60 Management Practice Activity Schedule ~~Silviculture Practices Required, Sequence and Specification~~

~~All Plans must~~The plan will include a ~~table~~an outline of the recommended and prescribed ~~forestry~~silvicultural practices to include all items listed in Section 8 of Exhibit A, ~~description of those practices, identification of the areas on the plan map and established timetables for practice installation.~~

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.65 An Estimate of the Practice Costs (Repealed)

~~Costs will be estimated for the practices. The costs may be the landowner's labor and materials consumed or the fee paid to a contractor. The cost will be subject to the ceiling established for the practice under 17 Ill. Adm. Code 1536.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.70 Forest Management Plan Approval (Repealed)

~~The Forest Management Plan must be approved by the local District Forester. Allow 45 days, after the receipt of the Forest Management Plan, for approval or disapproval by the District Forester. The District Forester will notify the landowner and plan preparer of the approval or the reasons that prevent the plan from being approved. Upon approval the Illinois Department of Revenue and the county Assessor will be notified quarterly in accordance with Section 20e(1) of the Revenue Act of 1939 (Ill. Rev. Stat. 1989, ch. 120, par. 501e(1)). (See Exhibit B for~~

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~~certification of plan).~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.71 Plan Review

Active Plans may be modified by the IDNR Forester and/or by agreement of the timber grower and the IDNR Forester to address new forest conditions, concerns or management strategies.

- a) Plan reviews are required biennially. The IDNR Forester is responsible for monitoring the implementation of the Plan by the timber grower. Timber growers must submit a written statement biennially, upon request of the IDNR Forester, stating the present status of the forest and all progress in carrying out the current Plan prescriptions.
- b) Plans are valid until cancelled by the IDNR Forester. Plans must be reviewed at the 10 year anniversary date. A new plan or modified plan must be submitted to the IDNR Forester for renewal of the certification.
- c) Plans may be modified to adjust acreage or management activities, if approved by the IDNR Forester. Modified Plans remain valid for their original 10 years or, with newly collected forest inventory data and results, a new 10 year period can be established.

(Source: Added at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.72 Cancellation Process

- a) If a timber grower or property under a Plan is found to be out of compliance for the reasons stated in subsection (b), the Plan may be cancelled or put on probationary status. The timber grower will be notified in writing regarding the specific problems resulting in the cancellation and will be given up to 30 days to respond. Probation may allow up to one year to comply with existing, new or modified schedules of management practices approved by the IDNR Forester. If the timber grower is found to be out of compliance for the reasons stated in subsection (c), the Plan will automatically be cancelled.
- b) The Plan will be cancelled or placed on probationary status if the timber grower fails to:

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- 1) follow the requirements outlined in the Plan;
 - 2) protect the land from domestic livestock grazing and fire, unless prescribed in the Plan;
 - 3) submit the written statement required by Section 1537.71;
 - 4) successfully afforest/reforest required planting sites by the second available planting season, unless delayed due to circumstances beyond the control of the timber grower;
 - 5) follow Illinois Forestry BMPs during harvest operations.
- c) The Plan will be automatically cancelled for the following reasons:
- 1) the timber grower requests to be removed from the FDA Program;
 - 2) the timber grower no longer meets the minimum criteria or eligibility for certification, except for active, grandfathered parcels;
 - 3) the property is sold or transferred, unless the subsequent timber grower assumes the existing Plan;
 - 4) death of the timber grower, unless the subsequent timber grower assumes the existing Plan;
 - 5) harvest of timber when it was not recommended in the Plan;
 - 6) failure to follow timber harvest recommendations or selling trees not designated, marked or approved by the IDNR Forester;
 - 7) the timber grower fails to respond to a letter discussing probation or fails to correct problems that initiated probationary status in the time allowed.
- d) Upon cancellation of a Plan, the Illinois Department of Revenue and the county assessor will be notified quarterly in accordance with Section 10-150 of the Property Tax Code [35 ILCS 200]. If cancellation occurs within the life span of cost-shared practices, monies received by timber growers from State cost-share

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programs will be subject to recapture pursuant to State and federal law.

(Source: Added at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.75 Appeals

- a) Any ~~timber grower~~~~landowner~~ whose property is considered ineligible, whose initial certification is denied, whose Plan is cancelled or whose plan or practice is not approved by the ~~IDNR District~~ Forester may appeal to the Regional Review Committee (~~see pursuant to~~ 17 Ill. Adm. Code 2530). The Regional Review Committee is composed of the Regional Administrator, an IDNR a District Forester from another district in the Region and the Forest Management Program Manager.
- b) The appeal must be made in writing within ~~4530~~ days from the date that the Plan was cancelled~~plan~~ or practice was not approved to the Forest Management Program Manager at the Administrator address listed in Section 1537.85.

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.80 Annual Review Process (Repealed)

- a) ~~Each subsequent year, during the quarter that the plan was initially approved, the landowner will be required to submit in writing a statement indicating the present status of the forest as it relates to the approved forest management plan and the recommendations contained in it and seek continued approval of that plan.~~
- b) ~~In the event that no modifications are required or requested the plan will be reapproved. If the plan requires revisions it will be updated to reflect these needs and resubmitted for approval to the District Forester.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.85 Information

Anyone wishing additional information ~~concerning this Part~~ may contact the Department of Natural Resources at the following address:

Illinois Department of Natural Resources

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ORC – Division of Forest Resources
One Natural Resources Way~~600 North Grand Avenue West~~
Springfield IL 62702-1271, ~~Illinois 62706~~

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

Section 1537.90 Amended Plans (Repealed)

~~Plans may be amended to adjust acreage or management activities. Amended plans shall be valid only until 10 years following the effective date of the original plan. Amended plans must be approved by the District Forester, based upon the same standards as the original plan.~~

(Source: Repealed at 41 Ill. Reg. 4306, effective March 31, 2017)

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Section 1537. EXHIBIT A Forest Management ~~Suggested Forest Plan Outline~~**I1a. Cover Page ~~Owner~~**1b. ~~Manager (if applicable)~~

- A. Timber grower's name, address, phone number and email
- B. Plan preparer's name, address, phone number and email
- C. Plan preparation date
- D. Plan acreage
- E. Plan duration and Plan expiration date

II2a. Signatures and Approval Page (IFDA Certification, Exhibit B) ~~Address~~2. ~~Address~~**III3. Property Location and Description**

- A. General land description ~~Location (by Fractional Quarter, Section, Town, Range, Principle Meridian and County)~~
 - 1. Quarter section, section, township, range
 - 2. Name of township and county
- B. Specify how to access property (include GPS coordinates) ~~Area (acres)~~
- C. Adjacent land use to the north, south, east and west of this property
- D. Land use and/or management history
- E. Acknowledgement of easements, legal land designations or encumbrances

IV4. Forest Management Goals and Resource Concerns ~~Description of Land~~

~~Include topography, soils, species growing or planted, history and map of the property for:~~

- A. ~~Open Land (Cropland, pasture, land without forest trees growing on it)~~
- B. ~~Forest Land (Land at least 10 percent stocked by forest trees of any size)~~

V5. Stand Descriptions and Analysis ~~Specific Information, Recommendations~~

- A. Existing forestland ~~Open Land (Afforestation, Reforestation) if applicable~~
 - 1. Stand # and acreage ~~pre-planting recommendations (planting stock, site preparation)~~

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2. Topographic features and aspects~~spacing~~
3. Soils~~species and numbers required~~
 - a. Soil mapping units
 - b. Site index
 - c. Annual timber productivity or yield (bd.ft./A. or ft³/A.)
4. Society of American Foresters cover type or IL natural community type~~post-planting recommendations (care of the planted stock)~~
5. Stand age class or structure
6. Tree size classes and canopy position
7. Invasive and/or exotic species
(Provide separate assessments for woody and herbaceous species)
 - a. Species present and relative size
 - b. Percent ground and/or canopy cover
 - c. Average number of woody stems per acre
8. Advanced regeneration and understory conditions
9. Forest inventory data (stand and stock tables)
 - a. Stand-level summary data
 - a.1. Trees/A.
 - a.2. Basal area/A.
 - a.3. Volume/A.
 - a.4. Quadratic mean diameter (QMD) or average diameter
 - a.5. Stocking level
 - a.6. Percent stocking
 - b. Species-level summary data, by stand
 - b.1. Trees/A.
 - b.2. Basal area/A.
 - b.3. Volume/A.
 - b.4. Average diameter
10. Timber quality and timber production assessment
11. Timber harvest and forest practices history
12. Active conservation practices or projects
- B. Afforestation or reforestation land~~Forest Land (Established Forest)~~ (if applicable)
 1. Stand or field # and acreage~~volume/acre~~
 2. Existing vegetative cover~~basal area/acre~~
 3. Topographic features and aspect~~stocking/acre~~
 4. Site limitations~~growth/acre~~
 5. Soil~~harvest schedule~~
 - a. Soil mapping units
 - b. Site index

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- c. Annual timber productivity or yield (bd.ft./A. or ft³/A.)
- d. Soil drainage class
- 6. ~~silvicultural practices to meet forest need; planting, regeneration, species, structure and stocking~~

VI6. Stand Recommendations~~Soil and Water Conservation Goals—A statement of landowners goals and practices to maintain or reduce soil erosion to meet or exceed Department of Agriculture tolerable level.~~

- A. Existing forestland
 - 1. Designation and description of the silvicultural system
 - 2. Stand-specific objectives
 - 3. Narrative description of silvicultural practices and treatments necessary to achieve stand objectives and desired future conditions
 - 4. Appropriate quantified practice and treatment targets based upon stand objectives, silviculture and desired future conditions
 - a. Stocking or density
 - a.1. Basal areas to remove and retain
 - a.2. Avg. # of crop trees/A. to release and retain
 - a.3. Avg. # of trees/A. to remove and retain
 - b. Desired species composition
 - c. Desired stocking percent
 - d. Exotic/invasive species control prescriptions and required targets of treatment
 - d.1. Expected post-treatment results, including residual population structure and density for each prescribed treatment
 - e. Underplanting specifications
 - e.1. Planting stock species
 - e.2. Planting stock type, source and quantity
 - e.3. Location and spacing
 - e.4. Site preparation
 - e.5. Competing vegetation control and maintenance
 - f. Quantified wildlife habitat specifications
 - g. Advance regeneration specifications, composition and quantity
 - h. Prescribed burning specifications or plan, if applicable
 - 5. Timber harvest schedule and harvest projections
- B. Afforestation or reforestation land (if applicable)
 - 1. Planting stock species

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2. Planting stock type, source and quantity
3. Planting stock size or specifications (other than required)
4. Planting method
5. Site preparation specifications and cover crop needs
6. Row spacing (between and within)
7. Vegetation control and maintenance
8. Post-planting care and management
9. Minimum performance standards
 - a. Survival of planted stock per acre
 - b. Suppression of grasses and weeds

VII. Conservation Opportunities, Constraints and Concerns

- A. Recreation and aesthetics
 1. Address timber grower's goals and objectives
 2. Visual impacts (aesthetics) or recreational use impacts resulting from applied management activities (if any)
- B. Air, soil and water quality conservation
 1. Presence or absence of forest structure, condition and concerns affecting air, soil and water quality
 2. How the affecting condition can be maintained or modified to have positive influence on the air, soil and water conservation
 3. Prescribe site-specific Illinois Forestry Best Management Practices necessary to conserve soil and water quality
- C. Wetland protection
 1. Presence and location of possible wetlands on the property; the Plan is not an official determination of wetlands
 2. Management activities necessary to protect streams, ponds or wetlands
 3. Prescribe site-specific Illinois Forestry Best Management Practices necessary to conserve wetland functions and features
- D. Fish, wildlife and biodiversity
 1. Address timber grower's specific goals and objectives
 2. Consistent with IDNR State Wildlife Action Plan (available on the IDNR website)
- E. Forest health and protection
 1. Detection and/or management of existing and imminent insects and diseases
 2. Implications of relevant or existing invasive/exotic species
 3. Physical or environmental threats or damage

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- 4. Livestock management and/or exclusion recommendations if applicable
- F. Threatened and endangered (T&E) species
 - 1. Search Ecological Assessment Tool (EcoCAT) database, available on the IDNR website
 - 2. Explain records or facts of existing and likely T&E species
 - 3. Management implications or constraints of existing T&E species
 - 4. Management for federally listed species requiring habitat protection
- G. Identify and protect special sites
 - 1. Summarize findings from field reconnaissance with regard to special sites (unique historical, archaeological, cultural, geological, biological or ecological characteristics)
 - 2. Provide protection and mitigation measures from planned forest management activities for documented special sites

VIII. Practice Schedule (of all required forestry practices)

- A. List the practices planned for each stand for the next 10 years; list these practices in priority order; use a table format
- B. Use one table row for each unique treatment in order of treatment priority
- C. Include the following information under column headings
 - 1. Year practice prescribed
 - 2. Stand
 - 3. Treatment description
 - 4. NRCS practice code
 - 5. Treatment units
 - 6. IFDA requirement? (yes or no)
 - 7. Estimate of actual practice cost
 - 8. IFDA cost-share rate for practices
 - 9. Deadline for practice initiation and completion

IX. Considerations Specific to the Forest Development Cost-Share Program

- A. Plan entitlements for timber grower or subsequent timber growers
 - 1. Eligible for technical assistance from the IDNR Forester
 - 2. Eligible for IDNR nursery stock, pending availability
 - 3. Eligible for cost-share funds to help implement planned practices
- B. Plan requirements of timber grower or subsequent timber growers
 - 1. Afforested/reforested area must maintain a minimum stocking level of 300 live, desirable trees/A. during establishment

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- 2. Repay all cost-share monies if Plan is cancelled
- 3. Never remove IDNR nursery stock with the roots attached
- 4. Timber harvest marking or operations will be only as approved by the IDNR Forester
- 5. Modify the Plan or practices within the Plan period only with approval of both the timber grower and IDNR Forester, and documented in writing
- 6. Return biennial review letter to maintain enrollment in IFDA Program
- 7. Protect Plan acreage from wildfire
- 8. Exclude any Plan acreage accessible to livestock unless approved in the Plan
- 9. To implement this Plan according to the practice schedule and not contingent upon State or federal funding
- 10. Notify IDNR within 30 days of address or ownership changes

X. Plan Maps (copy-ready on 8.5 x 11 inch paper)

- A. Property map
 - 1. North arrow and legend
 - 2. Map with timber grower name, township, county and scale
 - 3. Depict property and stand boundaries, roads, fields, water and features
 - 4. Aerial photo having minimum scale of 1" = 660' or 1:7920
 - 5. Large properties may adjust scale to fit 8.5 x 11 inch paper
 - 6. GPS coordinates
- B. Soils map
 - 1. North arrow and legend
 - 2. Map with timber grower name, township, county and scale
 - 3. Forest areas and soil mapping units, roads, fields, water and features
 - 4. Aerial photo having minimum scale of 1:16,000 or larger
 - 5. GPS coordinates

XI. Appendices

- A. Glossary of technical terminology
- B. Documents cited in the body of the Plan
- C. Forest inventory data, output or report

7.	Forest Wildlife Habitat Enhancement—Install compatible practices that will enhance the wildlife habitat potential and meet the owner's objectives.

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8.	Protection Measures—Procedures to deal with insect, disease and environmental problems. Where wildfire is a danger, firebreaks must be installed and maintained.
9.	Financial—Discussion of specific costs involved in implementing open land and forestland recommendations.
10.	Outline of Silvicultural Practices Recommended and time schedule of practices.
11.	Other Considerations/Conclusions.

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 1537. EXHIBIT B THE ILLINOIS FORESTRY DEVELOPMENT ACT (FDA)
"FOREST MANAGEMENT PLAN CERTIFICATION"

TIMBER GROWER/LANDOWNER: _____ PLAN NO.: _____

ADDRESS: _____ ACRES: _____

TOWN: ~~town~~ _____ STATE: ~~state~~ _____ ZIP: ~~zip~~ _____

EMAIL: _____

FORESTRY PLAN # _____ ACREAGE: _____
County Case File #

PROPERTY TAX NUMBER:

~~(Required only when plan will be used for preferential tax treatment)~~

LEGAL LOCATION DESCRIPTION:*

Quarter Section T R County
Township # Range #
(Fractional Quarter, Quarter, Section, Township #, Range #, County, Principal Meridian)

PROPERTY TAX ID NUMBERS:

1. _____ 3. _____

2. _____ 4. _____

(Required only when plan will be used for preferential tax treatment)

I am the owner of the property or entity for which this plan has been prepared. The plan has been prepared in accordance with the Illinois Forestry Development Act [525 ILCS 15] and meets my requirements. I understand I am obligated to implement the Plan regardless of the availability of incentives and will follow the prescriptions/recommendations to the best of my ability. If any changes in ownership or conditions of the forest occur, I will notify the Department of Natural Resources, Division of Forest Resources, IDNR Forester in writing within 30 days. An approved Forest Management Plan guarantees an equalized assessed valuation of 1/6 of the cropland productivity index for the acreage enrolled in the Program.

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SHALL THIS CERTIFICATION BE FORWARDED TO THE ILLINOIS DEPARTMENT OF REVENUE FOR PREFERENTIAL TAX TREATMENT?

YES NO
(District Forester will forward if YES is checked)

Approval of this plan does not guarantee that all projected cultural practices will be approved for cost share payments. Cost sharing is available on a first-come, first-served basis, as funds are available. Applications for cost-share assistance must be approved by the District Forester before practices are begun.

PLAN DEVELOPED BY: DATE:

TIMBER GROWER

LANDOWNER ACCEPTANCE: DATE:

ILLINOIS DEPARTMENT OF NATURAL RESOURCES APPROVAL BY DISTRICT FORESTER:

DATE:

< choose one or more >

NEW PLAN RENEWAL AMENDED PLAN CANCEL PLAN
CANCELLATION ACREAGE CHANGE ADDRESS CHANGE
FULL TRANSFER PARTIAL TRANSFER

ADDRESS CHANGE OTHER (explain)

* attach additional sheets as needed

(Source: Amended at 41 Ill. Reg. 4306, effective March 31, 2017)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Programs
- 2) Code Citation: 11 Ill. Adm. Code 415
- 3) Section Number: 415.10 Adopted Action:
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: April 7, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16095; December 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking makes technical changes that bring the rule into line with current practices.
- 16) Information and questions regarding this adopted rule shall be directed to:

Mickey Ezzo
Illinois Racing Board

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

Section

415.10	Required Information
415.20	Supply Information for Patrons (Repealed)
415.30	Thoroughbred Programs
415.40	Harness Programs
415.50	Quarterhorse Programs
415.60	Availability of Programs
415.70	Distribution of Programs

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990; amended at 16 Ill. Reg. 7486, effective April 24, 1992; amended at 18 Ill. Reg. 17756, effective November 28, 1994; amended at 19 Ill. Reg. 12691, effective September 1, 1995; amended at 21 Ill. Reg. 12208, effective September 1, 1997; amended at 22 Ill. Reg. 7046, effective May 1, 1998; amended at 41 Ill. Reg. 4337, effective April 7, 2017.

Section 415.10 Required Information

Programs shall contain the following information:

- a) A statement that the race meeting is conducted pursuant to a license issued by the Board and pursuant to the rules and regulations of the Board.
- b) The address and telephone number of the central office of the Board.
- c) The names of the Board members, the officers and directors of the organization licensee, and Board and track racing officials.

ILLINOIS RACING BOARD

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- d) The post time of the first pari-mutuel race of each program.
- e) A symbol identifying the horses that have been administered furosemide prior to each race and, ~~where applicable,~~ a statement~~different symbol~~ identifying horses that have been administered furosemide for the first time.
- f) A notice specifying the exact location of information and/or complaint window or windows for the convenience of the patrons. A statement that the Illinois Racing Board rules and complaint forms are available at the information and/or complaint window and at the office of the Illinois Racing Board.
- g) A clear, conspicuous statement of the racing organization's election to impose a surcharge under Section 26.3 of the Horse Racing Act of 1975.
- h) A brief description of the pari-mutuel wagering system.
- i) A statement that wagers are to be made by program number and not by post position ~~or handicap rating number.~~
- j) A statement that pay-offs are not permitted until the stewards have notified the pari-mutuel department of the official order of finish. A statement that tickets should be retained until the official results have been posted.
- k) ~~A statement that tickets should be retained until the official results have been posted.~~
- l) ~~A statement that the Illinois Racing Board rules and complaint forms are available at the information and/or complaint window and at the office of the Illinois Racing Board.~~

(Source: Amended at 41 Ill. Reg. 4337, effective April 7, 2017)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Race Track Operators and their Duties
- 2) Code Citation: 11 Ill. Adm. Code 1305
- 3) Section Number: 1305.110 Adopted Action:
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: April 7, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16099; December 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1305.110, the rulemaking clarified that the locked box was under the State Veterinarian's "continuous, direct supervision."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking removes the requirement that the locked box containing emergency medication be stored in the State Veterinarian's office in the detention barn. The locked box is continuously under the direct supervision of the State Veterinarian.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted rule shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1305
RACE TRACK OPERATORS AND THEIR DUTIES

Section

1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions (Repealed)
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Emergency Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	Judges' Stand
1305.190	Drivers' Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention

ILLINOIS RACING BOARD

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1305.310	Backstretch Paging System
1305.320	Admissions (Repealed)
1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks (Repealed)
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account
1305.380	Notification of Change

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective November 2, 1999; amended at 28 Ill. Reg. 6596, effective April 19, 2004; amended at 28 Ill. Reg. 11260, effective August 1, 2004; amended at 29 Ill. Reg. 8413, effective June 1, 2005; amended at 34 Ill. Reg. 7741, effective May 24, 2010; amended at 37 Ill. Reg. 20402, effective December 16, 2013; amended at 41 Ill. Reg. 4341, effective April 7, 2017.

Section 1305.110 Horse Ambulance

There shall be a horse ambulance at all race tracks under the jurisdiction of the Board for the safe and expedient removal of crippled animals from the track. Horse ambulances must be equipped with a screen for use when an animal must be destroyed in view of the general public, a winch to lift dead or injured animals on to the ambulance, and a removable floor or other satisfactory device for the safe loading of a recumbent horse. Drugs for use by the State Veterinarians, when emergency medication is required, shall be stored in a locked box under their continuous, direct supervision in the State Veterinarian's office in the detention barn.

(Source: Amended at 41 Ill. Reg. 4341, effective April 7, 2017)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Race Officials
- 2) Code Citation: 11 Ill. Adm. Code 1306
- 3) Section Number: 1306.130 Adopted Action:
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: April 7, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16103; December 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking removes obsolete language to bring the rule into line with current practices in harness racing.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Mickey Ezzo
Illinois Racing Board

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

100 West Randolph, Suite 7-701
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1306
RACE OFFICIALS

Section	
1306.10	State Steward
1306.20	Additional Steward
1306.30	Judges
1306.50	Disqualification to Act as Official
1306.70	Participation Forbidden
1306.80	Judges' Stand Occupants
1306.90	Improper Conduct
1306.100	Presiding Judge
1306.110	Powers of the State Steward and Judges
1306.120	Duties of the Judges and State Steward
1306.130	Procedures of the Judges and State Steward
1306.140	Patrol Judge
1306.160	Starting Judges
1306.170	Duties of Starter
1306.180	Clerk of the Course
1306.190	Timers
1306.200	Paddock Judge
1306.210	Program Director
1306.220	Horse Identifier
1306.230	State Veterinarian (Repealed)
1306.240	Bribes Forbidden
1306.250	Drinking of Intoxicating Liquor Prohibited
1306.260	Arrival Time (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); codified at 5 Ill. Reg. 10926; amended at 10 Ill. Reg. 10147, effective May 27,

ILLINOIS RACING BOARD

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1986; amended at 30 Ill. Reg. 16319, effective October 1, 2006; amended at 31 Ill. Reg. 16511, effective December 1, 2007; amended at 41 Ill. Reg. 4345, effective April 7, 2017.

Section 1306.130 Procedures of the Judges and State Steward

It shall be the procedure of judges and state stewards~~these officials~~ to:

- a) ~~Be in the stand 15 minutes before the first race and remain in the stand 10 minutes after the last race, and at all times when the horses are upon the track.~~
- ab) Observe the preliminary warming up of horses and scoring, noting behavior of horses, lameness, equipment, conduct of drivers, changes in odds at pari-mutuel meetings, and any unusual incidents pertaining to horses or drivers participating in races.
- e) ~~Have the bell rung or give other notice at least 10 minutes before the race or heat. Any driver failing to obey this summons may be punished by a fine not exceeding \$100. and his horse may be ruled out by the judges and considered drawn.~~
- d) ~~The presiding judge shall designate the post time for each race and the horses will be called at such time as to preclude excessive delay after the completion of two scores.~~
- be) Be in communication with the starterpatrol judge from the time he or she~~the starter~~ picks up the horses until the finish of the race. Any violation or near violation of the Rules and Regulations shall be reported by the starterpatrol judge witnessing the incident and a written record made. At least one steward or judge shall observe the drivers throughout the stretch specifically noting changing course, interference, improper use of whips, breaks, and failure to contest the race to the finish.
- cf) Post the objection sign or inquiry sign on the odds board in the case of a complaint or possible rule violation, and immediately notify the announcer of the objection and the horse or horses involved. As soon as the judges have made a decision, the objection sign shall be removed, the correct placing displayed, and the "official" sign flashed. ~~The "official" sign shall not be displayed until all horses and drivers of the race have returned to the judges' stand and saluted, horses and drivers unable to finish the race excepted.~~ In all instances, the judges shall post the order of finish and the "official" sign as soon as they have made

ILLINOIS RACING BOARD

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their decision.

- dg) Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, a copy or copies shall be made, checked by the presiding judge, and posted for public inspection.
- eh) Sign the judges' book ~~after each race,~~ verifying the correctness of the record by the clerk of the course.

(Source: Amended at 41 Ill. Reg. 4345, effective April 7, 2017)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Regulations for Meetings (Thoroughbred)
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Number: 1424.90 Adopted Action: Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: April 7, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16108; December 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1424.90, the rulemaking clarifies that the locked box is under the State Veterinarian's "continuous, direct supervision."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking removes the requirement that the locked box containing emergency medication be permanently attached to the ambulance. The locked box is continuously under the direct supervision of the State Veterinarian.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted rule shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1424
REGULATIONS FOR MEETINGS
(THOROUGHBRED)

Section

1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches (Repealed)
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test (Repealed)
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	Emergency Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1424.260	Breeder Awards
1424.270	Admission to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet
1424.360	Notification of Change
1424.370	Posting of Jockey Accident Insurance Coverage

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13943, effective November 2, 1999; amended at 28 Ill. Reg. 6605, effective April 19, 2004; amended at 31 Ill. Reg. 16536, effective December 1, 2007; amended at 32 Ill. Reg. 16502, effective October 1, 2008; amended at 36 Ill. Reg. 12824, effective August 1, 2012; amended at 41 Ill. Reg. 4350, effective April 7, 2017.

Section 1424.90 Horse Ambulance

There shall be a horse ambulance at all race tracks under the jurisdiction of the Board for the safe and expedient removal of crippled animals from the track. Horse ambulances must be equipped

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

with a screen for use when an animal must be destroyed in view of the general public, a winch to lift dead or injured animals on to the ambulance, and a removable floor or other satisfactory device for the safe loading of a recumbent horse. Drugs for use by the State Veterinarians, when emergency medication is required, shall be stored in a locked box under their continuous, direct supervision. ~~Said ambulance shall also be equipped with a permanently attached and locked box containing drugs solely for the use of the state veterinarians when emergency medication is required.~~

(Source: Amended at 41 Ill. Reg. 4350, effective April 7, 2017)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Admissions and Credentials
- 2) Code Citation: 11 Ill. Adm. Code 1428
- 3) Section Number: 1428.30 Adopted Action:
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: April 7, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16113; December 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 1428.30 was clarified to reflect what information is submitted to the Board to report admissions and admission taxes payable.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking makes technical changes that bring the rule into line with current practices. Pursuant to the current rule, admission taxes are due on Thursday. The Board's current policy is that payments are due on either Monday or Tuesday after the close of the prior Sunday to Saturday week.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted rule shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1428
ADMISSIONS AND CREDENTIALS

Section

1428.10	Admissions Tax
1428.20	Admission Records
1428.30	Weekly Remittance of Tax
1428.40	Admission Statements
1428.50	Delivery of Reports
1428.60	Board Approval of Tickets and Credentials
1428.70	Control Numbers
1428.80	Revocation of Tickets, Credentials
1428.90	Notice of State Tax
1428.100	Credential and Ticket Specimens
1428.110	Gate Cards
1428.120	Tax Exempt Credentials
1428.130	Report on Tax Exempt Credentials (Repealed)
1428.140	Concessionaires, Employees Credentials
1428.150	Requisitions for Passes
1428.160	Tax Exempt Credentials Report (Repealed)
1428.170	Summary of Tickets and Credentials
1428.180	Track Responsible for Credentials
1428.190	Board Access to Records
1428.200	Turnstiles and Electronic Scanning Devices
1428.210	Admission to Track
1428.220	Revocation of Credentials
1428.230	Admissions for Licensees
1428.240	Intertrack Wagering Location Licensee Admission Fees

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended March 14, 1975, filed and effective March 27, 1975; codified at 5 Ill. Reg. 11002; amended at 14 Ill. Reg. 17633, effective October 16, 1990; amended at 14 Ill. Reg. 20042, effective December 4, 1990; emergency amendment at 17 Ill. Reg. 3683, effective March 4, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14049, effective August 16, 1993; amended at 19 Ill. Reg. 17187, effective January 1, 1996; amended at 31 Ill. Reg. 15103, effective November 1, 2007; amended at 35 Ill. Reg. 8508, effective May 23, 2011; amended at 41 Ill. Reg. 4355, effective April 7, 2017.

Section 1428.30 Weekly Remittance of Tax

As prescribed by the Board, the admissions~~The tax due hereunder~~ shall be paid to the Board weekly ~~and remittance made to the Board on Thursday following the close of each week~~. The operator shall include a~~enclose with his remittance to the Board a sworn itemized~~ statement attested to~~signed~~ by the operator's~~his~~ treasurer, ~~or~~ comptroller or designee that itemizes admissions and admission tax payable using a form prescribed by the Board, showing the total attendance, the number of admissions, ~~(both paid and complimentary)~~, and the number of taxable and tax free admissions for each day of the preceding week.

(Source: Amended at 41 Ill. Reg. 4355, effective April 7, 2017)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of March 28, 2017 through April 3, 2017. The rulemakings are scheduled for review at the Committee's May 9, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
5/17/17	<u>Illinois Environmental Protection Agency,</u> Permits (35 Ill. Adm. Code 652)	9/9/16 40 Ill. Reg. 12868	5/9/17

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
2. Name of Contributor: Mr. William J. Cullen
3. Date of Violation: September 30, 2014
4. Description of Violation: Mr. Cullen, an affiliated person of the business entity CCC Holdings, Inc., dba Chicago Commercial Construction, made a contribution of \$500.00 to Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor, and CCC Holdings, Inc., dba Chicago Commercial Construction had in place active contracts with the Capital Development Board, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officers for the Capital Development Board has notified CCC Holdings, Inc., dba Chicago Commercial Construction of the apparent violation, reviewed responsive material provided, and has considered the value, status, and necessity of the contracts. The Chief Procurement Officer finds that voiding the affected contract, bids or proposals is not in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

DEPARTMENT OF NATURAL RESOURCES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

- 1) Heading of the Part: Forest Management Plan
- 2) Code Citation: 17 Ill. Adm. Code 1537
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1537.1	Amendment
1537.2	Amendment
1537.5	Amendment
1537.6	New Section
1537.10	Amendment
1537.12	New Section
1537.15	Amendment
1537.18	New Section
1537.20	Amendment
1537.21	New Section
1537.25	Repealed
1537.30	Repealed
1537.38	New Section
1537.40	Repealed
1537.42	Amendment
1537.45	Repealed
1537.50	Repealed
1537.55	Repealed
1537.60	Amendment
1537.65	Repealed
1537.70	Repealed
1537.71	New Section
1537.72	New Section
1537.75	Amendment
1537.80	Repealed
1537.85	Amendment
1537.90	Repealed
1537.EXHIBIT A	Amendment
1537.EXHIBIT B	Amendment
- 4) Date Proposed published in the *Illinois Register*: December 30, 2016; 40 Ill. Reg. 16680

DEPARTMENT OF NATURAL RESOURCES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

- 5) Date the Joint Committee on Administrative Rules Statement of Recommendation to Proposed Rulemaking Published in the *Illinois Register*: March 31, 2017; 41 Ill. Reg. 3959
- 6) Summary of Action Taken by the Agency: At its meeting on March 14, 2017, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the agency clarify in this Part which elements of the program are mandatory requirements that the agency will enforce on participants and which are merely unenforced recommendations for good forestry management.

In response to this Recommendation, the Department recognizes JCAR's recommendation and realizes clarification regarding the terms and use of "recommendation" and "required" in this Part would be beneficial. The Department will clarify these terms in a future rulemaking.

EXECUTIVE ORDERS

2017-1

**EXECUTIVE ORDER CONSOLIDATING THE STATE'S HISTORIC
PRESERVATION FUNCTIONS AND ESTABLISHING
THE ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM AGENCY**

WHEREAS, the State of Illinois is rich with cultural, historical, and natural resources that enhance the quality of life for the citizens of Illinois, and the State of Illinois has an obligation to effectively manage and protect these resources for future generations of Illinoisans; and

WHEREAS, the Historic Preservation Agency manages 56 historic sites and the Department of Natural Resources manages over 300 sites, including parks, trails, fish and wildlife areas, and forests that have natural resources significance; and

WHEREAS, the Department of Natural Resources has the requisite expertise to maintain, promote, and manage sites for the benefit of the people of Illinois; and

WHEREAS, operating two State agencies that both have the primary purpose of preserving the State's historic and natural treasures is not an effective use of taxpayer funds; and

WHEREAS, consolidating the historic preservation and site management functions of the Historic Preservation Agency into the Department of Natural Resources will avoid redundancy, reduce bureaucracy, and save taxpayers approximately \$3.2 million per year; and

FURTHERMORE, the State of Illinois is proud to be the home state of Abraham Lincoln, the sixteenth President of the United States of America, whose leadership and efforts to preserve the Union throughout the Civil War are recognized around the world, and the State of Illinois has honored his contributions to the history of the United States of America through the Abraham Lincoln Presidential Library and Museum; and

WHEREAS, the Abraham Lincoln Presidential Library and Museum, a world-class institution that immerses visitors into the life and history of Abraham Lincoln, recognizes the importance of the legacy of Abraham Lincoln to the state and nation's historical and cultural heritage; and

WHEREAS, the Abraham Lincoln Presidential Library and Museum serves as the leading repository of academic works pertaining to Abraham Lincoln, and is the premier destination for historians who want to conduct research on President Lincoln; and

WHEREAS, operating the Abraham Lincoln Presidential Library and Museum as a subordinate component of the Historic Preservation Agency has stifled the full potential of the Abraham Lincoln Presidential Library and Museum; and

EXECUTIVE ORDERS

WHEREAS, establishing the Abraham Lincoln Presidential Library and Museum as an independent State agency recognizes the institution's unique importance to our state and nation and will enable it to create more effective long-term plans, craft stronger partnerships with State and non-State organizations, accomplish internal efficiencies, and identify independent sources of support;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 and Section 11 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

As used in this Executive Order:

"ALPLM Agency" means the Abraham Lincoln Presidential Library and Museum, an agency of the State of Illinois.

"ALPLM Agency Board" means the Board of Trustees of the Abraham Lincoln Presidential Library and Museum.

"ALPLM Division" means the Abraham Lincoln Presidential Library and Museum established pursuant to Section 30 of the Historic Preservation Agency Act (20 ILCS 3405/30).

"Board of HPA" means the Board of Trustees established pursuant to Section 3 of the Historic Preservation Agency Act (20 ILCS 3405/3).

"DNR" means the Illinois Department of Natural Resources.

"DNR Division" means the Division of Historic Preservation of the Department of Natural Resources.

"HPA" means the Illinois Historic Preservation Agency.

II. HISTORIC PRESERVATION AGENCY ABOLISHED

HPA, including the Board of HPA, is hereby abolished as of July 1, 2017, upon the taking effect of the reorganization and transfer of functions set forth in this Executive Order.

III. CREATION OF THE DIVISION OF HISTORIC PRESERVATION

EXECUTIVE ORDERS

There is hereby created within DNR's Office of Land Management a new Division of Historic Preservation (the "DNR Division"). All powers, duties, functions, and responsibilities of HPA, except those relating to the ALPLM Division (as set forth on Exhibit B to this Executive Order), are transferred to the DNR Division.

The head of the DNR Division shall be known as the Division Manager of Historic Preservation (the "Division Manager"). The DNR Division may employ or retain other persons to assist in the discharge of its functions, subject to the Personnel Code and any applicable DNR policies. The DNR Division shall be subject to all of the general laws applicable to divisions of DNR. The mission of the DNR Division is to collect, preserve, interpret, and communicate Illinois' rich and diverse history. Essential to that mission is maintaining Illinois' historic sites and providing education to the public through access to Illinois' historic resources. Additionally, the DNR Division shall assist local communities in protecting their historic, architectural, and archaeological sites by coordinating with federal and other State agencies, and by integrating these resources into public planning and the administration of tax incentives.

The DNR Division shall apply for and otherwise seek federal funds and other capital and operational resources for historic preservation for which the DNR Division is eligible and, subject to compliance with applicable laws, regulations, and grant terms, make those funds available for use by the DNR Division. If funds are used by the DNR Division, the DNR Division shall ensure compliance with all applicable laws, regulations, and grant terms.

The DNR Division will have whatever authority is provided to it pursuant to the Intergovernmental Cooperation Act and other applicable law to enter into interagency contracts. To the extent permitted by law, DNR may enter into such contracts to use personnel and other resources of other public agencies to accomplish the DNR Division's mission.

IV. TRANSITION TO DNR DIVISION

Beginning on the effective date of this Executive Order, DNR and HPA shall work cooperatively to prepare for the transfer of functions, employees, property, and funds pursuant to Section V of this Executive Order, and to carry out all other actions required to give effect to such transfers, as of July 1, 2017. HPA shall provide DNR with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. Under the direction of the Governor, the Director of DNR, in consultation with HPA and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to the DNR Division or engaged in the administration of a law the administration of which is transferred to the DNR Division, to be transferred to the DNR Division pursuant to Section V(1) of this Executive Order. The Director

EXECUTIVE ORDERS

of DNR shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.

2. Under the direction of the Governor, the Director of DNR, in consultation with HPA, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the transfer to the DNR Division pursuant to Section (V)(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to the DNR Division.
3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the respective Directors of DNR and HPA, shall identify the unexpended balances of both Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds, or the relevant portions thereof, to be transferred to DNR pursuant to Section V(3) of this Executive Order.

V. TRANSFER OF FUNCTIONS TO DNR DIVISION

As of July 1, 2017, the authority and responsibility for historic preservation functions shall be transferred from HPA to DNR. These functions derive from the statutes set forth on Exhibit A to this Executive Order. In connection with such transfer, as of July 1, 2017:

1. Each position and employee who is engaged in the performance of functions transferred to the DNR Division, or engaged in the administration of a law the administration of which is transferred to the DNR Division (as identified pursuant to Section IV of this Executive Order), and the employee in each such position, shall be transferred to the DNR Division pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any such employee, the State, and its agencies under the Personnel Code and applicable collective bargaining rights or under any pension, retirement, or annuity plan shall not be affected by this reorganization.
2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization (as identified pursuant to Section IV of this Executive Order) shall be delivered and transferred to the DNR Division or to the State Archives.
3. The unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds available for use by HPA (as identified pursuant to Section IV of this Executive Order and deemed necessary by the Governor) shall

EXECUTIVE ORDERS

be transferred to DNR and expended for the purposes for which the appropriations or other funds were originally made or given to HPA.

4. Except for the boards established, abolished, or described by Section II or Sections VI through IX of this Executive Order, whenever any previous Executive Order or any statute provides for membership on any board, commission, authority, or other entity by a representative or designee of HPA with responsibility for the functions transferred to the DNR Division, the Director of DNR shall designate the same number of representatives or designees of the DNR Division.

VI. CREATION OF THE ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM AS A NEW STATE AGENCY

The ALPLM Division is hereby reconstituted as a new principal department of the Executive Branch of State government, directly responsible to the Governor (the "ALPLM Agency"). The ALPLM Agency shall retain the name "Abraham Lincoln Presidential Library and Museum" and shall retain all authority to perform all functions of the ALPLM Division. The functions of the ALPLM Division shall be consolidated into the ALPLM Agency as of July 1, 2017.

The ALPLM Agency shall have control and custody of the Abraham Lincoln Presidential Library and Museum complex, including the Abraham Lincoln Presidential Library and Museum, the Abraham Lincoln Presidential Library and Museum's parking garage, Union Station, and Union Park, each in Springfield, Illinois.

The head officer of the ALPLM Agency shall be known as the Executive Director of the Abraham Lincoln Presidential Library and Museum (the "Executive Director"). The current Library Director (as defined in Section 33 of the Historic Preservation Agency Act (20 ILCS 3405/33)) shall become the inaugural Executive Director of the ALPLM Agency, and shall remain the Executive Director of the ALPLM Agency until the expiration of his then-current term as Library Director. From that time forward, the Executive Director shall be appointed by the ALPLM Agency Board established by this Executive Order, by and with the advice and consent of the Senate, and shall serve at the pleasure of the ALPLM Agency Board for a term of four years. The Executive Director shall be eligible for reappointment for additional four year terms at the discretion of the ALPLM Agency Board. The ALPLM Agency may employ or retain other persons to assist in the discharge of its functions, subject to the Personnel Code. The ALPLM Agency shall be subject to all of the general laws applicable to Executive Branch agencies.

EXECUTIVE ORDERS

The ALPLM Agency shall have whatever authority is provided to it pursuant to the Intergovernmental Cooperation Act and other applicable law to enter into interagency contracts. To the extent permitted by law, the ALPLM Agency may enter into such contracts to use personnel and other resources of other public agencies to accomplish the ALPLM Agency's mission.

VII. TRANSITION TO THE ALPLM AGENCY

Beginning on the effective date of this Executive Order, HPA and the ALPLM Agency shall work cooperatively to prepare for the transfer of functions, employees, property, and funds pursuant to Section VIII of this Executive Order, and to carry out all other actions required to give effect to such transfers, as of July 1, 2017. HPA shall provide the ALPLM Agency with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. Under the direction of the Governor, the Executive Director of the ALPLM Agency, in consultation with HPA and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to the ALPLM Agency or engaged in the administration of a law the administration of which is transferred to the ALPLM Agency, to be transferred to the ALPLM Agency pursuant to Section VIII(1) of this Executive Order. The Executive Director of the ALPLM Agency shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.
2. Under the direction of the Governor, the Executive Director of the ALPLM Agency, in consultation with HPA, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the transfer to the ALPLM Agency pursuant to Section (VIII)(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to the ALPLM Agency.
3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the Executive Director of the ALPLM Agency and the Director of HPA, shall identify the unexpended balances of both Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds, or the relevant portions thereof, to be transferred to the ALPLM Agency pursuant to Section VIII(3) of this Executive Order.

VIII. TRANSFER OF FUNCTIONS TO ALPLM AGENCY

EXECUTIVE ORDERS

As of July 1, 2017, the authority and responsibility for the ALPLM Division shall be reconstituted and established as the ALPLM Agency. These functions derive from the statute set forth on Exhibit B of this Executive Order. In connection with such transfer, as of July 1, 2017:

1. Each position and employee who is engaged in the performance of functions transferred to the ALPLM Agency or engaged in the administration of a law the administration of which is transferred to the ALPLM Agency (as identified pursuant to Section VII of this Executive Order) shall be transferred to the ALPLM Agency, pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any such employee, the State, and its agencies under the Personnel Code and applicable collective bargaining rights or under any pension, retirement, or annuity plan shall not be affected by this reorganization.
2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reconstitution and establishment of the ALPLM Agency (as identified pursuant to Section VII of this Executive Order) shall be delivered and transferred to the ALPLM Agency or to the State Archives.
3. The unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds available for use by HPA for the maintenance of the ALPLM Agency (as identified pursuant to Section VII of this Executive Order and deemed necessary by the Governor) shall be transferred to the ALPLM Agency and expended for the purposes for which the appropriations or other funds were originally made or given to HPA.
4. Whenever any provision of any previous Executive Order or any Act provides for membership on any board, commission, authority, or other entity by a representative or designee of the ALPLM Division, the Executive Director of ALPLM Agency shall designate the same number of representatives or designees of the ALPLM Agency.

IX. ESTABLISHMENT OF THE ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM BOARD OF TRUSTEES

The Abraham Lincoln Presidential Library and Museum Board of Trustees (the "ALPLM Agency Board") is hereby established to set policy and advise the ALPLM Agency and the Executive Director on programs related to the ALPLM Agency. The ALPLM Agency Board shall have the following powers and duties:

EXECUTIVE ORDERS

1. To set policies and establish programs for implementation in support of the mission and goals of the ALPLM Agency;
2. To create and execute seminars, symposia, or other conferences as may be necessary or advisable to the ALPLM Agency;
3. To report annually to the Governor and the General Assembly on the status of the ALPLM Agency and its programs;
4. To accept, hold, maintain, and administer, as trustee, property given in trust for education or historic purposes for the benefit of the people of the State of Illinois, and dispose of any property under the terms of the instrument creating the trust;
5. To accept, hold, maintain, and administer donated property of historic significance, such as books, papers, records, and personal property of any kind, including electronic and digital property, pursuant to gifting instruments, agreements, or deeds of gift, including but not limited to the King Hostick Public Trust Fund, and enter into such agreements as may be necessary to carry out the ALPLM Agency Board's duties and responsibilities;
6. To lease concessions at the Library and Museum, on the condition that such lease agreement (a) shall be made subject to the written approval of the Governor's Office of Management and Budget, and (b) for all agreements with a term of 10 years or more, contain a provision for the ALPLM Agency to participate, on a percentage basis, in the revenues generated by any such agreement;
7. To cooperate with private organizations and agencies in the State of Illinois by providing areas and use of staff personnel where feasible for the sale of publications on the historic and cultural heritage of the State and craft items made by Illinois craftsmen, including negotiating and approving agreements with the organizations and agencies for a portion of the moneys received from the sales to be returned to the ALPLM Agency for the furtherance of interpretative and restoration programs;
8. To accept offers of gifts, gratuities, or grants from the federal government, its agencies, or officers, or from any person, firm, or corporation in compliance with State and federal law;
9. Subject to the provisions of the Illinois Administrative Procedure Act, make reasonable rules as may be necessary to discharge the duties of the ALPLM Agency.

EXECUTIVE ORDERS

10. To charge and collect admission fees and rental fees for access to and use of the facilities of the ALPLM Agency;
11. To operate a restaurant, café, or other food service facility at the museum or lease the operation of such a facility under reasonable terms and conditions, and provide vending services for food, beverages, or other products deemed necessary and proper, consistent with the purposes of the ALPLM Agency; and
12. To engage in marketing activities designed to promote the ALPLM Agency.

The ALPLM Agency Board shall consist of 11 members appointed by the Governor with the advice and consent of the Senate, subject the following qualifications:

- a) One member with recognized knowledge and ability in matters related to business administration;
- b) One member with recognized knowledge and ability in matters related to the history of Abraham Lincoln;
- c) One member with recognized knowledge and ability in matters related to the history of Illinois;
- d) One member with recognized knowledge and ability in matters related to library and museum studies;
- e) One member with recognized knowledge and ability in matters related to historic preservation;
- f) One member with recognized knowledge and ability in matters related to cultural tourism; and
- g) One member with recognized knowledge and ability in matters related to conservation, digitization, and technological innovation.

The initial terms of office shall be designated by the Governor as follows: one member to serve for a term of one year; two members to serve for respective terms of two years; two members to serve for respective terms of three years; and six members to serve for respective terms of four years. Thereafter, each member shall be appointed for a term of four years. The Governor shall appoint one of the members to serve as Chair of the ALPLM Agency Board, at the pleasure of the Governor. The members of the ALPLM Agency Board shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their

EXECUTIVE ORDERS

official duties as members of the ALPLM Agency Board from funds appropriated for that purpose.

To facilitate communication and cooperation between the ALPLM Agency and the Abraham Lincoln Presidential Library Foundation (the "Foundation"), the Foundation CEO shall serve as a non-voting, ex-officio member of the ALPLM Agency Board.

X. STATE HISTORIAN

The position of Illinois State Historian, as set forth in Section 4 of the Historic Preservation Agency Act (20 ILCS 3405/4), is hereby transferred to the ALPLM Agency. The Executive Director, with the advice and consent of the ALPLM Agency Board, shall appoint the Illinois State Historian, who shall provide historical expertise, support, and service on civic engagement to educators and not-for-profit educational groups, including historical societies. The Illinois State Historian shall be the State's leading authority on the history of Illinois, and shall have such powers and responsibilities as set forth in Section 4 of the Historic Preservation Agency Act (20 ILCS 3405/4) and Sections 4 and 5.1 of the State Historical Library Act (20 ILCS 3425/4-5.1) transferred to the ALPLM Agency pursuant to this Executive Order.

XI. INCONSISTENT ACTS

From the effective date of this reorganization, and as long as such reorganization remains in effect, the operation of any prior act of the General Assembly inconsistent with this reorganization is suspended to the extent of the inconsistency.

XII. REPORT TO THE GENERAL ASSEMBLY

DNR and the ALPLM Agency shall each provide a report to the General Assembly not later than December 31, 2017 and annually thereafter for three years, that includes an analysis of the effect of the reorganization on State government and the Illinois taxpayers. The report shall also include recommendations for further legislation relating to the implementation of the reorganization. A copy of such report shall be filed with the Speaker, the Minority Leader, and the Clerk of the House of Representatives; the President, the Minority Leader, and the Secretary of the Senate; the Legislative Research Unit; and the State Government Report Distribution Center for the General Assembly.

XIII. SAVINGS CLAUSE

1. The rights, powers, duties, and functions transferred to each of DNR and the ALPLM Agency, respectively, by this Executive Order shall be vested in, and shall be exercised by, DNR and the ALPLM Agency, respectively. Each act done

EXECUTIVE ORDERS

in exercise of such rights, powers, duties, and functions shall have the same legal effect as if done by HPA. Every person shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to HPA or the officers and employees of HPA.

2. This Executive Order shall not affect any act undertaken, ratified or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the successor agency in cooperation with another agency, if necessary.
3. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by HPA. Any rules, regulations, and other agency actions affected by the reorganization shall continue in effect and be transferred together with the transfer of functions. If necessary, however, DNR and the ALPLM Agency, respectively, shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the respective transfer of functions to DNR and the ALPLM Agency.
4. Whenever reports or notices are now required to be made or given or paper or documents furnished or served by any person in regard to the functions transferred from HPA to DNR and the ALPLM Agency, respectively, pursuant to this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DNR or the ALPLM Agency, respectively.
5. This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute (except as provided in Section XI), or collective bargaining agreement.

XIV. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

XV. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

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XVI. FILINGS

This Executive Order shall be filed with the Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing a revisory bill, to the Legislative Reference Bureau.

XVII. EFFECTIVE DATE

Provided that neither house of the General Assembly disapproves of this Executive Order by the record vote of a majority of the members elected, this Executive Order shall take effect 60 days after its delivery to the General Assembly.

Issued by Governor: March 31, 2017

Filed with Secretary of State: March 31, 2017

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EXHIBIT A
TO EXECUTIVE ORDER 2017-01

Statutes from which the Historic Preservation Functions Derive:
20 ILCS 3405/1-3, 5-16, 18-29, and 34-35
20 ILCS 3410/1 et seq.
20 ILCS 3415/0.01 et seq.
20 ILCS 3420/1 et seq.
20 ILCS 3430/0.01 et seq.
20 ILCS 3435/0.01 et seq.
20 ILCS 3440/0.01 et seq.

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EXHIBIT B
TO EXECUTIVE ORDER 2017-01

Statutes from which Abraham Lincoln Presidential Library & Museum Functions Derive:
20 ILCS 3405/4 (The position and functions of the Illinois State Historian, as described in the last two sentences of Section 4 of 20 ILCS 3405)
20 ILCS 3405/17
20 ILCS 3405/30-33
20 ILCS 3425/0.01 et seq.

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2017-2

**EXECUTIVE ORDER STRENGTHENING THE STATE'S
INVESTIGATION, ADJUDICATION, AND ENFORCEMENT
OF ANTI-DISCRIMINATION AND EQUAL OPPORTUNITY LAWS**

WHEREAS, agencies of the State of Illinois make decisions that significantly impact the lives and livelihoods of Illinois residents and businesses, and some of the most direct and personal impacts are made when State agencies determine whether unlawful discrimination has occurred with regard to housing, employment, financial credit, public accommodation, and sexual harassment in higher education; and

WHEREAS, the Illinois Constitution affords due process to people and businesses of our State and also provides a complete and expedited investigation, adjudication, and ultimate enforcement of orders against these forms of discrimination; and

WHEREAS, under the direction of Governor James R. Thompson and his Cost Control Task Force, Illinois consolidated the patchwork of agencies that administer the laws and administrative process of investigating and adjudicating Illinois civil rights law; and

WHEREAS, as part of this consolidation effort, the Governor and the General Assembly worked to pass the Illinois Human Rights Act in 1979 (the "Act");

WHEREAS, the Act created the Department of Human Rights ("DHR") to receive, investigate, and conciliate charges of unlawful discrimination and to undertake affirmative action and public education activities to prevent discrimination; and

WHEREAS, the Act further established the Human Rights Commission ("HRC"), a body with the function of hearing and adjudicating discrimination cases; and

WHEREAS, the decentralized approach whereby one agency investigates charges of discrimination and a separate agency adjudicates the charges of discrimination has resulted in an antiquated, inefficient, and unresponsive process for obtaining reasonably prompt resolution for Illinois taxpayers and businesses alike; and

WHEREAS, these two State agencies now bear dual responsibility for creating applicable rules and regulations as well as maintaining separate internal policies, processes, and filing and case management systems; and

WHEREAS, although a single statute governs these two State agencies, HRC and DHR often have different, conflicting, and inconsistent rules of administrative procedure, which confuse parties, impede transparency, and create backlog and delay; and

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WHEREAS, under our current outdated and unproductive structure, people and businesses wait at least four years, on average, after filing a charge of discrimination for DHR to investigate and HRC to issue its final decision on the case; and

WHEREAS, HRC currently has over 1,000 backlogged cases pending two years or more without a decision, and some parties wait as long as three years for a resolution to their case; and

WHEREAS, these delays are unacceptable and unfair to aggrieved parties and businesses and to the general public; and

WHEREAS, individuals and groups most harmed by delay are impoverished and minority parties and small businesses without the resources to obtain counsel and pay expensive legal fees to appear in Illinois courts; and

WHEREAS, these delays are in direct contradiction to the goal of providing efficient and effective processes to administer the State's civil rights laws; and

WHEREAS, the consolidation of these two State agencies will have real, tangible benefits for Illinois citizens and businesses that rely on these two State agencies, as well as for taxpayers; and

WHEREAS, the consolidation of these two State agencies will produce considerable cost-savings to the State, with an estimated savings of approximately \$500,000 in the first year of consolidation alone; and

WHEREAS, the consolidation of these two State agencies will produce faster investigative and adjudicative processes because they will be able to share resources effectively and cut bureaucratic red tape; and

WHEREAS, consolidation will not compromise the independence of the appellate process, because HRC will continue to review cases and discharge its adjudicatory functions pursuant to the Administrative Procedures Act; and

WHEREAS, many states, including Indiana, Michigan, Ohio, and Minnesota, and many local governments, including the City of Chicago, conduct civil rights proceedings through a single consolidated governmental body that houses both investigative and adjudicative functions;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 and Section 11 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

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I. CONSOLIDATION OF HRC INTO DHR

HRC is hereby consolidated into DHR as of July 1, 2017.

II. TRANSITION

Beginning on the effective date of this Executive Order, DHR and HRC shall work cooperatively to prepare for the transfer of functions, commissioners, employees, property, and funds pursuant to Section III of this Executive Order, and to carry out all other actions required to give effect to such transfers, as of July 1, 2017. HRC shall provide DHR with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. Under the direction of the Governor, the Director of DHR, in consultation with HRC and labor organizations representing the affected employees and commissioners, shall identify each position, employee and commissioner who is engaged in the performance of functions transferred to DHR or engaged in the administration of a law the administration of which is transferred to DHR, to be transferred to DHR pursuant to Section III(1) of this Executive Order. The Director of DHR shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.
2. Under the direction of the Governor, the Director of DHR, in consultation with HRC, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the transfer to DHR pursuant to Section III(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to DHR.
3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the respective Director of DHR and the Executive Director of HRC, shall identify the unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds, or the relevant portions thereof, to be transferred to DHR pursuant to Section III(3) of this Executive Order.

III. TRANSFER OF FUNCTIONS

As of July 1, 2017, the authority and responsibility for the investigation, adjudication, and enforcement of anti-discrimination laws and equal opportunity and affirmative action compliance in the State of Illinois shall be consolidated into DHR. All such functions that currently reside in

EXECUTIVE ORDERS

or are carried out by HRC shall be transferred to DHR. These functions derive from 775 ILCS 5/1-101, et seq. In connection with such transfer, as of July 1, 2017:

1. Each position, employee, and commissioner who is engaged in the performance of functions transferred to DHR, or engaged in the administration of a law the administration of which is transferred to DHR (as identified pursuant to Section II of this Executive Order), and the employee or commissioner in each such position, shall be transferred to DHR pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any such employee or commissioner, the State, and its agencies under the Personnel Code and applicable collective bargaining rights or under any pension, retirement, or annuity plan shall not be affected by this reorganization. For the avoidance of doubt, the 13 commissioner positions created by Article 8 of the Act shall be transferred to DHR, and nothing in this Executive Order shall affect the service or term of such commissioners. For the avoidance of doubt, commissioners shall continue to be appointed pursuant to Article 8 of the Act.
2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization (as identified pursuant to Section II of this Executive Order) shall be delivered and transferred to DHR or to the State Archives.
3. The unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds available for use by HRC (as identified pursuant to Section II of this Executive Order and deemed necessary by the Governor) shall be transferred to DHR and expended for the purposes for which the appropriations or other funds were originally made or given to HRC.
4. Whenever any previous Executive Order or any statute provides for membership on any board, commission, authority, or other entity by a representative or designee of HRC with responsibility for the functions transferred to DHR, the Director of DHR shall designate the same number of representatives or designees of DHR.
5. Any proceeding or action pending at the time of the transfer before, or in process by, HRC, shall continue after the date of the transfer, and shall be adjudicated by the commission transferred to DHR pursuant to this Executive Order. The rights of all parties in any such proceeding or action shall not be affected by the transfer.

IV. INCONSISTENT ACTS

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From the effective date of this reorganization, and as long as such reorganization remains in effect, the operation of any prior act of the General Assembly inconsistent with this reorganization is suspended to the extent of the inconsistency.

V. REPORT TO THE GENERAL ASSEMBLY

DHR shall provide a report to the General Assembly not later than December 31, 2017 and annually thereafter for three years, that includes an analysis of the effect of the reorganization on State government and the Illinois taxpayers. The report shall also include recommendations for further legislation relating to the implementation of the reorganization. A copy of such report shall be filed with the Speaker, the Minority Leader, and the Clerk of the House of Representatives; the President, the Minority Leader, and the Secretary of the Senate; the Legislative Research Unit; and the State Government Report Distribution Center for the General Assembly.

VI. SAVINGS CLAUSE

1. The rights, powers, duties, and functions transferred to DHR by this Executive Order shall be vested in, and shall be exercised by, DHR. Each act done in exercise of such rights, powers, duties, and functions shall have the same legal effect as if done by HRC. Every person shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to HRC or the officers and employees of HRC.
2. This Executive Order shall not affect any act undertaken, ratified, or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect (including, for the avoidance of doubt, any administrative case adjudicated by HRC), but these actions or proceedings may be prosecuted and continued by the successor agency in cooperation with another agency, if necessary.
3. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by HRC. Any rules, regulations, and other agency actions affected by the reorganization shall continue in effect and be transferred together with the transfer of functions. If necessary, however, DHR shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the transfer of functions to DHR.

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4. Whenever reports or notices are now required to be made or given or paper or documents furnished or served by any person in regard to the functions transferred from HRC to DHR pursuant to this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DHR.
5. This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute (except as provided in Section IV), or collective bargaining agreement.

VII. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

VIII. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

IX. FILINGS

This Executive Order shall be filed with the Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing a revisory bill, to the Legislative Reference Bureau.

X. EFFECTIVE DATE

Provided that neither house of the General Assembly disapproves of this Executive Order by the record vote of a majority of the members elected, this Executive Order shall take effect 60 days after its delivery to the General Assembly.

Issued by Governor: March 31, 2017

Filed with Secretary of State: March 31, 2017

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2017-3

**EXECUTIVE ORDER TRANSFERRING CERTAIN FUNCTIONS FROM
THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
TO THE DEPARTMENT OF NATURAL RESOURCES
AND THE ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, the mission of the Illinois Department of Commerce and Economic Opportunity ("DCEO") is to provide economic opportunities for businesses, entrepreneurs, and residents in order to improve the quality of life for all Illinoisans;

WHEREAS, the Office of Energy and Recycling (the "Energy and Recycling Office") and the Office of Coal Development (the "Coal Office", and collectively with the Energy and Recycling Office, the "Offices") are two departments housed within DCEO; and

WHEREAS, the programs administered by the Energy and Recycling Office aim to reduce energy consumption and to promote clean and renewable energy; and

WHEREAS, the Coal Office is responsible for promoting and marketing Illinois coal domestically and internationally; and

WHEREAS, the Illinois Environmental Protection Agency ("EPA") is responsible for safeguarding environmental quality, consistent with the social and economic needs of the State, so as to protect health, welfare, property, and the quality of life for all Illinoisans and safeguarding the State's natural resources from pollution to provide a healthy environment for its citizens; and

WHEREAS, the Illinois Department of Natural Resources ("DNR") is responsible for managing, conserving, and protecting Illinois' natural, recreational and cultural resources, furthering the public's understanding and appreciation of those resources, and promoting the education, scientific understanding, and public safety of Illinois' natural resources for present and future generations; and

WHEREAS, the respective purposes, missions, and activities of the Offices will be better realized if the functions of each Office are housed in State agencies whose purpose, mission, and activities complement those of each respective Office; and

WHEREAS, the promotion and marketing of coal, a natural resource, would complement and enhance DNR's mission to manage, conserve, and protect Illinois' natural resources; and
WHEREAS, programs aimed to reduce energy consumption and to promote clean and renewable energy would complement and enhance EPA's mission to safeguard environmental quality and reduce pollution throughout Illinois; and

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WHEREAS, transferring the functions of the Energy and Recycling Office to EPA and transferring the functions of the Coal Office to DNR will eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state-of-the-art technology, and realize overall cost savings;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 and Section 11 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. TRANSFERRING FUNCTIONS OF ENERGY AND RECYCLING OFFICE TO EPA

The functions, employees, property, and funds of the Energy and Recycling Office, as set forth in Section III of this Executive Order, are hereby transferred from DCEO to EPA as of July 1, 2017.

II. TRANSITION TO EPA

Beginning on the effective date of this Executive Order, DCEO and EPA shall work cooperatively to prepare for the transfer of functions, employees, property, and funds pursuant to Section III of this Executive Order, and to carry out all other actions required to give effect to such transfers, as of July 1, 2017. DCEO shall provide EPA with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. Under the direction of the Governor, the Director of EPA, in consultation with DCEO and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to EPA or engaged in the administration of a law the administration of which is transferred to EPA, to be transferred to EPA pursuant to Section III(1) of this Executive Order. The Director of EPA shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.
2. Under the direction of the Governor, the Director of EPA, in consultation with DCEO, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the transfer to EPA pursuant to Section III(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to EPA.

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3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the respective Directors of EPA and DCEO, shall identify the unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds, or the relevant portions thereof, to be transferred to EPA pursuant to Section III(3) of this Executive Order.

III. TRANSFER OF FUNCTIONS TO EPA

As of July 1, 2017, the functions, duties, rights, and responsibilities related to the Energy and Recycling Office shall be transferred from DCEO to EPA. These functions derive from the statutes set forth on Exhibit A to this Executive Order. In connection with such transfer, as of July 1, 2017:

1. Each position and employee who is engaged in the performance of functions transferred to EPA, or engaged in the administration of a law the administration of which is transferred to EPA (as identified pursuant to Section II(1) of this Executive Order), and the employee in each such position, shall be transferred to EPA pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any transferred employee, the State, and its agencies under the Personnel Code and applicable collective bargaining rights or under any pension, retirement, or annuity plan shall not be affected by this reorganization.
2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization (as identified pursuant to Section II(2) of this Executive Order) shall be delivered and transferred to EPA or to the State Archives.
3. The unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds available for use by DCEO in connection with the functions transferred to EPA or the relevant portions thereof (as identified pursuant to Section II(3) of this Executive Order and deemed necessary by the Governor) shall be transferred to EPA and expended for the purposes for which the appropriations or other funds were originally made or given to DCEO.
4. With respect to DCEO, this reorganization shall not affect (i) the composition of any multi-member board, commission, or authority, (ii) the manner in which any official of the agency is appointed, (iii) whether the nomination or appointment of any official of the agency is subject to the advice and consent of the Senate, (iv) any eligibility or qualification requirements pertaining to service as an official of

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the agency, or (v) the service or term of any incumbent official serving as of the effective date of this Executive Order.

5. Whenever any previous Executive Order or any statute provides for membership on any board, commission, authority, or other entity by a representative or designee of DCEO with responsibility for the functions transferred to EPA, the Director of EPA shall designate the same number of representatives or designees of EPA.

IV. TRANSFERRING FUNCTIONS OF COAL OFFICE TO DNR

The functions, employees, property, and funds of the Coal Office, as set forth in Section VI of this Executive Order, are hereby transferred from DCEO to DNR as of July 1, 2017.

V. TRANSITION TO DNR

Beginning on the effective date of this Executive Order, DCEO and DNR shall work cooperatively to prepare for the transfer of functions, employees, property, and funds pursuant to Section VI of this Executive Order, and to carry out all other actions required to give effect to such transfers, as of July 1, 2017. DCEO shall provide DNR with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. Under the direction of the Governor, the Director of DNR, in consultation with DCEO and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to DNR or engaged in the administration of a law the administration of which is transferred to DNR, to be transferred to DNR pursuant to Section VI(1) of this Executive Order. The Director of DNR shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.
2. Under the direction of the Governor, the Director of DNR, in consultation with DCEO, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the transfer to DNR pursuant to Section VI(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to DNR.
3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the respective Directors of DNR

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and DCEO, shall identify the unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds, or the relevant portions thereof, to be transferred to DNR pursuant to Section VI(3) of this Executive Order.

VI. TRANSFER OF FUNCTIONS TO DNR

As of July 1, 2017, the functions, duties, rights, and responsibilities related to the Coal Office shall be transferred from DCEO to DNR. These functions derive from the statutes set forth on Exhibit B to this Executive Order. In connection with such transfer, as of July 1, 2017:

1. Each position and employee who is engaged in the performance of functions transferred to DNR, or engaged in the administration of a law the administration of which is transferred to DNR (as identified pursuant to Section V of this Executive Order), and the employee in each such position, shall be transferred to DNR pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any transferred employee, the State, and its agencies under the Personnel Code and applicable collective bargaining rights or under any pension, retirement, or annuity plan shall not be affected by this reorganization.
2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization (as identified pursuant to Section V of this Executive Order) shall be delivered and transferred to DNR or to the State Archives.
3. The unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds available for use by DCEO in connection with the functions transferred to DNR or the relevant portions thereof (as identified pursuant to Section V of this Executive Order and deemed necessary by the Governor) shall be transferred to DNR and expended for the purposes for which the appropriations or other funds were originally made or given to DCEO.
4. With respect to DCEO, this reorganization shall not affect (i) the composition of any multi-member board, commission, or authority, (ii) the manner in which any official of the agency is appointed, (iii) whether the nomination or appointment of any official of the agency is subject to the advice and consent of the Senate, (iv) any eligibility or qualification requirements pertaining to service as an official of the agency, or (v) the service or term of any incumbent official serving as of the effective date of this Executive Order.

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5. Whenever any previous Executive Order or any statute provides for membership on any board, commission, authority, or other entity by a representative or designee of DCEO with responsibility for the functions transferred to DNR, the Director of DNR shall designate the same number of representatives or designees of DNR.

VII. EEPS PROGRAM RETAINED IN DCEO

The Energy and Recycling Office is currently responsible for administering a portfolio of electric and natural gas efficiency programs that includes incentives and services for public sector equipment upgrades, low income housing improvements, and market transformation technical assistance and education programs pursuant to 220 ILCS 5/8-103 and 220 ILCS 8/104(a)-(l), (n) (the "EEPS Program"). DCEO will continue to perform all actions necessary to fulfill remaining obligations under the EEPS Program.

VIII. ABOLISHMENT OF DCEO OFFICES

After the transfer, the Offices within DCEO (the "Legacy Offices") shall no longer retain any functions set forth in Exhibits A and B, because all such functions shall be transferred pursuant to this Executive Order. Therefore, the Director of DCEO shall abolish the Legacy Offices as soon as practicable after July 1, 2017.

IX. INCONSISTENT ACTS

From the effective date of this reorganization, and as long as such reorganization remains in effect, the operation of any prior act of the General Assembly inconsistent with this reorganization is suspended to the extent of the inconsistency.

X. REPORT TO THE GENERAL ASSEMBLY

Each of EPA and DNR shall provide a report to the General Assembly not later than December 31, 2017 and annually thereafter for three years, that includes an analysis of the effect of the reorganization related to their agency on State government and the Illinois taxpayers. The report shall also include recommendations for further legislation relating to the implementation of the reorganization. A copy of such report shall be filed with the Speaker, the Minority Leader, and the Clerk of the House of Representatives; the President, the Minority Leader, and the Secretary of the Senate; the Legislative Research Unit; and the State Government Report Distribution Center for the General Assembly.

XI. SAVINGS CLAUSE

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1. The rights, powers, duties, and functions transferred to each of EPA and DNR, respectively, by this Executive Order shall be vested in, and shall be exercised by, EPA and DNR, respectively. Each act done in exercise of such rights, powers, duties, and functions shall have the same legal effect as if done by DCEO. Every person shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to DCEO or the officers and employees of DCEO.
2. This Executive Order shall not affect any act undertaken, ratified, or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the successor agency in cooperation with another agency, if necessary.
3. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by DCEO. Any rules, regulations, and other agency actions affected by the reorganization shall continue in effect and be transferred together with the transfer of functions. If necessary, however, each of EPA and DNR shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the respective transfer of functions to EPA and DNR.
4. Whenever reports or notices are now required to be made or given or paper or documents furnished or served by any person in regard to the functions transferred from DCEO to EPA and DNR, respectively, pursuant to this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon EPA and DNR, respectively.
5. This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute (except as provided in Section IX), or collective bargaining agreement.

XII. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

XIII. SEVERABILITY CLAUSE

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If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

XIV. FILINGS

This Executive Order shall be filed with the Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing a revisory bill, to the Legislative Reference Bureau.

XV. EFFECTIVE DATE

Provided that neither house of the General Assembly disapproves of this Executive Order by the record vote of a majority of the members elected, this Executive Order shall take effect 60 days after its delivery to the General Assembly.

Issued by Governor: March 31, 2017

Filed with Secretary of State: March 31, 2017

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EXHIBIT A
TO EXECUTIVE ORDER 2017-03

Statutes from which Energy and Recycling Office Functions Derive:
20 ILCS 605/605-347
20 ILCS 627/1 et. seq.
20 ILCS 687/6-1 et. seq.
20 ILCS 689/1 et. seq.
20 ILCS 896/20
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20 ILCS 3954/15 - § 20
30 ILCS 105/8.14
30 ILCS 710/2-1 - § 2-4
30 ILCS 725/1 et. seq.
105 ILCS 5/10-20.19(c), § 34-18.15
220 ILCS 5/8-104(m)
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415 ILCS 15/7, §8, §8.5
415 ILCS 20/1 et seq.
415 ILCS 80/1 et. seq.
415 ILCS 110/2001 et. seq.
415 ILCS 120/15, § 25, § 31, § 32
415 ILCS 130/20(b)
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815 ILCS 355/1 et. seq.

815 ILCS 440/1 et. seq.

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Statutes from which Coal Office Functions Derive:
20 ILCS 1105/1 et. seq.
20 ILCS 1108/1 et. seq.
20 ILCS 1110/1 et. seq.

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