**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 45 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:

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 prescribed in the Plan;

6) failure to follow timber harvest prescriptions 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 programs will be subject to recapture pursuant to State and federal law.

(Source: Amended at 41 Ill. Reg. 15790, effective December 18, 2017)