



Rep. Thomas M. Bennett

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1 AMENDMENT TO HOUSE BILL 4725

2 AMENDMENT NO. _____. Amend House Bill 4725 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Land
5 Conservation and Stewardship Act.

6 Section 5. Legislative findings and statement of public
7 policy.

8 (a) The General Assembly finds that:

9 (1) Lands and waters held in the public trust by
10 non-governmental conservation land trusts contribute to
11 the general public good, health, prosperity, and welfare of
12 the State and its citizenry. It is therefore appropriate
13 for State government to promote and assist conservation
14 land trusts to secure, steward, and defend for the people
15 of the present and future generations the benefits of land
16 conservation, including flood protection, improved water

1 and air quality, erosion control, wildlife habitat, carbon
2 sequestration, wildlife migration corridors, and outdoor
3 recreation.

4 (2) Lands acquired for these purposes require
5 perpetual stewardship and defense actions to fully protect
6 them. Stewardship and defense needs often exceed the
7 capacity of conservation land trusts to provide the proper
8 level of these actions to meet the ever increasing
9 pressures exerted on conservation lands, including climate
10 change, pollution, encroachment by invasive and exotic
11 species, and criminal trespass.

12 (3) The State's natural resource agencies and
13 conservation land trusts are natural partners in the
14 implementation of the Illinois State Wildlife Action Plan
15 and the management and defense of lands identified on the
16 Illinois Natural Areas Inventory. This Act is intended to
17 foster local support and execution of statewide
18 conservation goals and priorities by streamlining the
19 process of acquisition, stewardship, and defense of
20 conservation lands. This Act is intended to enable the
21 Department of Natural Resources, Illinois Nature Preserves
22 Commission, and conservation land trusts to work
23 collaboratively on a scale and breadth that cannot be
24 otherwise achieved.

25 (b) It is the purpose of this Act to:

26 (1) provide cost share grants to conservation land

1 trusts to acquire, steward, and defend undeveloped lands
2 that help implement the Illinois Wildlife Action Plan by
3 creating an interconnected system of natural areas such as
4 those listed on the Illinois Natural Areas Inventory or
5 other science-based State or county inventories, and
6 including other lands that connect them; and

7 (2) preserve and enhance natural, buffer lands, or
8 other conservation values of real property, assuring its
9 availability for maintaining or enhancing natural flood
10 protection capacity, water and air quality, erosion
11 control, wildlife habitat, travel and migration corridors,
12 carbon sequestration, or preserving the natural aspects of
13 real property, and to provide outdoor recreation
14 opportunities for citizens of this State now and in the
15 future.

16 Section 10. Definitions. As used in this Act:

17 "Applicant" means a conservation land trust that files an
18 application for a grant under this Act.

19 "Commission" means the Illinois Nature Preserves
20 Commission as defined under the Illinois Natural Areas
21 Preservation Act.

22 "Director" means the Director of Natural Resources.

23 "Conservation easement" means a conservation right, as
24 defined in the Real Property Conservation Rights Act, or
25 dedication as a nature preserve or nature preserve buffer under

1 the Illinois Natural Areas Preservation Act.

2 "Conservation land trust" means an entity exempt from
3 taxation under Section 501(c)(3) of the Internal Revenue Code
4 whose purposes include the conservation of land, natural areas,
5 open space, or water areas, for the preservation of native
6 plants or animals, biotic communities, geologic formations, or
7 archeological sites.

8 "Conservation value" means the physical features or
9 geographic characteristics present that demonstrate the land
10 will help implement the Wildlife Action plan or help conserve
11 sites listed on the INAI or other science based State or county
12 inventories and the other lands that connect them.

13 "Department" means the Department of Natural Resources.

14 "Fines and settlements" means natural resource fines,
15 either State or federal, and out of court settlements for
16 environmental damages.

17 "Grant application" means a grant application for the
18 acquisition, stewardship, and defense of lands acquired under
19 this Act by conservation land trusts.

20 "Nature preserve" has the meaning as it is defined in the
21 Illinois Natural Areas Preservation Act.

22 "Illinois Land Conservation and Stewardship Grant Program"
23 means a program established under Section 20 of this Act.

24 "INAI" means Illinois Natural Areas Inventory.

25 "Incidental take authorizations" means funds received for
26 authorized taking of endangered or threatened species under the

1 Illinois Endangered Species Protection Act.

2 "IRS" means federal Internal Revenue Service.

3 "IWAP" means Illinois Wildlife Action Plan.

4 "Land" means real property and ownership rights applying to
5 it and includes water and the land thereunder, structures, and
6 improvements.

7 "LOI" means letter of inquiry.

8 "Management plan" means a written, management schedule,
9 developed for the preservation, protection, development,
10 management, and use of lands purchased under this Act and
11 approved by the landowner and the Department.

12 "NAAF" means Natural Areas Acquisition Fund.

13 "NHEF" means Natural Heritage Endowment Trust Fund.

14 "NRDA" means Natural Resource Damages Assessment.

15 "OLT" means Open Lands Trust Program under the Illinois
16 Open Land Trust Act.

17 "Project proposal" means a proposal for the acquisition,
18 stewardship, and defense of lands acquired under this Act by
19 conservation land trusts.

20 "Protection grant" means a grant from the Department to a
21 conservation land trust for the purpose of acquiring land by
22 fee simple acquisition or acquiring the development or
23 protection rights via permanent conservation easement to
24 steward and protect these lands in perpetuity for the purposes
25 of this Act.

26 "Stewardship grant" means a grant from the Department to a

1 conservation land trust for the purpose of managing
2 conservation land held by the trust to steward and protect the
3 lands as prescribed in the approved management plan and in
4 perpetuity for the purposes of this Act.

5 Section 15. Powers, duties, and authorizations. The
6 Department may:

7 (1) Make grants in accordance with Section 20 of this
8 Act from NAAF, under OLT, and other appropriated funds to
9 conservation land trusts to acquire and steward real
10 property, including land such as those listed on the INAI
11 or other science-based State or county inventories, and
12 including other lands that connect them to provide fish and
13 wildlife corridors and outdoor recreation.

14 (2) Establish the total amount of funds available for
15 annual grants with review and approval by the Commission at
16 one of their regularly established meetings. The total
17 amount available for annual grants shall not exceed 20% of
18 the NAAF fund balance on June 30 of the previous fiscal
19 year and shall not result in adverse impacts on the
20 operations of Department or the Commission.

21 (3) Accept State and federal appropriations, transfers
22 of unused balances from other State funds, grants, NRDA
23 damage assessments, natural resource fines and
24 settlements, compensation related to incidental take
25 authorizations, transfers or appropriations from the

1 federal government or the State, or any agency, or
2 donations from any corporation, foundation,
3 non-governmental agency, individual, or instrumentality
4 thereof, for the purposes of executing this Act and these
5 funds are to be deposited into the NAAF.

6 (4) Transfer the balance in the Natural Heritage
7 Endowment Trust Fund into the NAAF to be used for
8 stewardship grants and close out the NHEF.

9 (5) Develop and administer the Illinois Land
10 Conservation and Stewardship Grant program.

11 (6) Adopt rules to effectuate the purposes of this Act.

12 (7) Execute contracts, grant agreements, memoranda of
13 understanding, cooperation agreements, and any other
14 agreements with conservation land trusts and other State
15 and local agencies that are necessary to implement this
16 Act.

17 (8) Monitor compliance with all agreements, grants,
18 contracts, and other instruments developed under this Act
19 and to assure coordination with the IWAP and the INAI.

20 (9) Develop progress reports on the implementation and
21 development of this Act which shall be filed annually with
22 the Governor and the General Assembly. These reports shall
23 include a statement of goals and objectives and
24 quantifiable support documentation as expenditures,
25 allocation of funds by location, and performance and
26 measurement criteria sufficient to enable the General

1 Assembly to properly evaluate and review program
2 effectiveness.

3 Section 20. Illinois Land Conservation and Stewardship
4 Grant Program.

5 (a) The Illinois Land Conservation and Stewardship Grant
6 Program is established to make grants to conservation land
7 trusts for the purpose of acquiring real property, including
8 conservation easements from willing sellers, and to steward and
9 protect these lands in perpetuity for the purposes of this Act.

10 (b) The lands shall be held in fee simple title or placed
11 under permanent conservation easements provided that these
12 mechanisms are all voluntary on the part of the landowners and
13 shall not involve the use of eminent domain.

14 (c) Any conservation land trust in good standing with the
15 IRS may apply for a grant.

16 (d) Any agency, organization, or entity that has taxing
17 powers, collects taxes, or has eminent domain powers is not
18 eligible for a grant under this Act.

19 (e) The Department shall adopt rules in consultation with
20 the Commission for the selection of grant recipients, amount of
21 grant awards, and eligibility requirements to implement the
22 purposes of this Act. However, the rules must include the
23 following requirements:

24 (1) Any protection grant under this Act shall be
25 conditioned upon the State providing assistance not

1 exceeding a 50/50 matching basis for the acquisition of
2 land.

3 A LOI from a qualifying applicant for a protection
4 grant shall be accepted by the Department at any time
5 during the calendar year. The LOI must contain a project
6 description, description of the conservation value of the
7 land, legal description, GPS coordinates, estimated cost,
8 budget, and map and be sent electronically. Within 30 days,
9 the Department shall review the LOI and respond
10 electronically to the land trust indicating if the proposed
11 project fits the grant guidelines. If the project proposal
12 qualifies and funding is available the Department may
13 request a full proposal in the form of a protection grant
14 application from the applicant.

15 Protection grant applications must be submitted
16 electronically within 90 days and contain a narrative
17 description of the project, the legal description of the
18 lands to be acquired or placed under permanent easement, a
19 map, current appraisal showing the fair market value of
20 those lands or the permanent easement to be acquired, a
21 5-year management schedule, the total project cost, and any
22 other information as the Department may reasonably
23 require.

24 Within 30 days after completing its consideration of a
25 protection grant application, the Department shall notify
26 the applicants of the disposition made of its application.

1 The Department shall, in addition, direct the payment of
2 grant funds to the applicants whose projects have been
3 approved within the limits of the amounts appropriated for
4 grants and the level available established in the process
5 described in paragraph (2) of Section 15 of this Act for
6 that fiscal year.

7 Individual protection grants shall not exceed
8 \$1,000,000 to any one grantee per fiscal year.

9 (2) Any stewardship grant under this Act shall require
10 a 20% match but cannot exceed \$25,000 to any applicant in
11 any fiscal year. Stewardship grant applications from
12 qualifying conservation land trusts shall be accepted by
13 the Department at any time during the calendar year.
14 Applications must contain a project description, including
15 a description of the conservation value of the land,
16 ownership, budget, map, and timeline for completion and be
17 sent electronically. The Department shall review the
18 application and respond electronically to the land trust
19 indicating whether the proposed project fits the grant
20 guidelines. If the project proposal qualifies and funding
21 is available, the Department may approve the application or
22 request more information from the conservation land trust.
23 Lands included in a stewardship grant that are not already
24 encumbered by a permanent conservation easement approved
25 in writing by the Director or under rules adopted under
26 this Act, shall be so encumbered by a permanent

1 conservation easement, the conditions of which have been
2 approved in writing by the Director or under rules adopted
3 under this Act.

4 (3) Land acquired with grant funds must be accessible
5 to the public for conservation and outdoor recreation
6 purposes as provided in the grant application and agreed to
7 in the management plan approved by the Department and the
8 Commission, unless the Department and the owner agree that
9 public accessibility would be detrimental to the real
10 property or any associated natural resources.

11 (4) No land acquired with grant funds may be sold,
12 leased, exchanged, or transferred to the federal
13 government, the State, a unit of local government or
14 another qualifying conservation land trust without the
15 written approval by the Director and only if the new owner
16 intends to continue the same conservation purposes
17 specified in the grant agreement. If the land is sold to a
18 government agency, then the agency shall be given a cash
19 credit for the purchase equal to the value of the grant
20 funds received, less any documented expenses for acquiring
21 and holding the land until it is transferred to the
22 governmental agency and less the value of any conservation
23 easement held by the Department or Commission. This credit
24 shall be no less than \$0.

25 (5) All grantees must agree to encumber the property
26 acquired using the grant funds from this Act with a

1 permanent conservation easement, the conditions of which
2 have been approved in writing by the Director or prescribed
3 in rules adopted under this Act.

4 (6) Grantees must agree to develop a management plan
5 and manage lands in accordance with the terms of the grant.
6 Any changes to the management plan must have written
7 approval by the Department and the Commission if the land
8 is encumbered by a conservation easement held by the
9 Commission.

10 (7) Acquisitions with approved protection grant funds
11 must be completed within 120 days or funds must be returned
12 to the Comptroller unless an extension of time is granted
13 by the Director.

14 Section 25. Priorities. In considering applications for
15 grants under this Act, the Department shall give priority to
16 projects which will provide the greatest benefit to
17 implementing the needs and priorities identified in the IWAP
18 and sites on the INAI. The total amount of grants made for any
19 fiscal year may not exceed the amount of the appropriation for
20 that fiscal year or 20% of the funds in the NAAF on June 30 of
21 the previous fiscal year.

22 Section 30. Injunctions. The Attorney General or the
23 State's Attorney of the county where a project is located, may,
24 upon his or her own motion or upon request of the Department,

1 Commission, or the public, institute a civil action for an
2 injunction or other appropriate legal action to restrain
3 violations of this Act or its rules. In this proceeding, the
4 court shall determine whether a violation has been committed
5 and shall enter orders as it considers necessary to remove the
6 effects of any violation and to prevent the violation from
7 continuing or from being renewed in the future.

8 Section 35. Violations. Any person, agency, or
9 organization that willfully violates this Act or its rules, or
10 causes a violation by their employee or agent, shall be liable
11 for a civil penalty not to exceed \$10,000 for each violation,
12 and the penalty shall be recovered in an action brought by the
13 Attorney General or the State's Attorney in the circuit court.
14 All penalties shall be deposited in the NAAF.

15 Section 40. Administrative Review Law. All final
16 administrative decisions under this Act are subject to judicial
17 review under the Administrative Review Law and its rules.
18 "Administrative decision" means the term as defined in Section
19 3-101 of the Administrative Review Law.

20 Section 45. Exceptions. Conservation land trusts are
21 exempt from any Department charges, costs, and expenses,
22 including, without limitation, any application fees,
23 commitment fees, or program fees, in connection with its

1 activities under this Act.

2 Section 50. Fund depository. All funds, assessments,
3 fines, settlements, compensations, transfers, appropriations,
4 penalties, and donations made under this Act shall be deposited
5 into the NAAF and subject to the limitations described in
6 paragraph (2) of Section 15 of this Act.

7 Section 55. Due diligence. With appropriations from NAAF,
8 the Department shall make grants to conservation land trusts as
9 financial assistance for the acquisition, stewardship, and
10 defense of natural areas, including acquisition of
11 conservation easements and other property interests less than
12 fee simple ownership if the Department and the Commission
13 determine that the property interests are sufficient to carry
14 out the purposes of this Act, subject to the purposes,
15 conditions, and limitations set forth in this Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."