**Section 700.APPENDIX D Illinois Department of Conservation**

**Section 700.EXHIBIT A Agricultural Land Preservation Policy Statement and Cooperative Agreement**

INTRODUCTION

The Department of Conservation (DOC) has stewardship responsibilities for conserving and managing the aquatic, wildlife and forest resources of the state; preserving and protecting nature preserves, endangered species, historic, cultural, and archaeological resources; acquiring, developing and operating state parks and other outdoor recreation facilities; and providing a wide range of outdoor recreation opportunities for Illinois citizens (see 8 Ill. Adm. Code 700.Appendix D: Exhibit B). In carrying out these varied responsibilities, the DOC acquires and manages land, develops both site specific plans and statewide comprehensive recreation and natural resource plans, administers grant programs, reviews environmental impacts of proposed projects, and provides technical assistance regarding conservation practices.

The DOC is a major land-holding agency, and as such, a potential impact of DOC programs, and operations on agricultural land conversion is through land acquisition. The types of lands of greatest interest to the DOC for acquisition include areas with unique natural resources, significant fish and wildlife habitat values, scenic qualities and recreation potential. In general, land currently in agricultural production is not the type of land desired by the DOC; however, lands acquired by the Department may have the potential for agricultural use. To meet its statutory responsibilities, the DOC must give highest priority to its programs for the protection of the state's natural, cultural and recreational resources. Therefore, the DOC will continue to emphasize conservation of these resources in acquisition, permit review and other programs.

In many cases, land acquisition by the DOC has a positive impact on agriculture. Management practices are carried out to conserve the soil and thus prevent soil erosion. Committing the land to open space maintains the land's potential for future agricultural use. The same options would not be available for lands converted to housing developments, industrial complexes or other uses where soils have been severely disturbed or covered with asphalt and concrete.

BACKGROUND

During the six fiscal years, FY 1981 - FY 1986, the DOC purchased or provided grants for the purchase of 13,893 acres of land. Of this acreage, 20.1% was cropland, 2.1% was pastureland, 41.5% was forestland, and 36.3% was other land (old fields, urbanlands, water bodies, brushlands, and prairie, etc.).

In FY 86, the DOC was responsible for approximately 12% of the total estimated 32,212 acres of Illinois farmland which was purchased and converted or otherwise influenced by an action of any of the 9 state capital development agencies that same fiscal year. It should be noted, however, that not all agricultural land which was purchased by the DOC was actually converted to non-agricultural uses. Some agricultural land purchased by the DOC continued to be managed for agricultural purposes.

As of June 30, 1986, the DOC owned and managed a total of 358,103 acres of land. In calendar year 1986 the DOC leased out 17,066 acres for farming. In addition, significant acres were planted in crops by the DOC. These farmed areas include lands producing food and cover for wildlife, and lands the DOC may develop at some time in the future, but in the interim remain in crop production.

AGRICULTURAL LAND PRESERVATION POLICY

The Illinois Department of Conservation's Agricultural Land Preservation Policy has been developed in response to the Farmland Preservation Act (Ill. Rev. Stat. 1985, Ch. 5, par. 1301 et seq.). The Department of Conservation (DOC) recognizes the need to prevent farmland from being unnecessarily converted to non-farm uses. Accordingly, DOC will fully comply with the Farmland Preservation Act by planning, adopting and implementing a policy to minimize the conversion of agricultural land while at the same time fulfilling its statutory mission.

Further, the DOC will cooperate with the Illinois Department of Agriculture (DOA) in protecting Illinois' farmland from unnecessary conversion by participating on the Inter-Agency Committee on Farmland Preservation, and by adhering to the Cooperative Working Agreement with the DOA. Any conversion of agricultural land by DOC will follow the intent of this Agricultural Land Preservation Policy and the DOA-DOC Cooperative Working Agreement.

Following is the DOC's Agricultural Land Preservation Policy as it pertains to various agency functions.

LAND ACQUISITION

Acquisition of land by DOC has the greatest potential impact on agriculture. Therefore, it will be the policy of the DOC to minimize acquisition of Class I, II, and III lands and to strongly consider less-than-fee-simple acquisition. Further, for any DOC acquisition project, the acreage in Class I through VIII soils will be determined, if possible, and this information weighed in the decision-making process.

The current DOC acquisition program comprises several components or sub-programs:

1. Natural Area Acquisition

An important part of the DOC land acquisition program is acquisition of natural areas – areas of land and water that closely reflect presettlement conditions. These areas include forests, prairies, wetlands, endangered species habitats, geologic areas, and other areas with unique natural qualities. While these lands may have the potential for agricultural use if they were clearcut, drained and plowed, they represent the most unique and least disturbed natural lands in the state and, therefore, should be preserved in their natural condition. Because only .07 of one percent of Illinois' landscape remains as it was at the time of settlement, the need to protect these few areas becomes most apparent.

The DOC's acquisition of natural areas will focus on acquiring those areas identified on the Illinois Natural Areas Inventory (a comprehensive study of the entire state, carried out between 1975 and 1978, locating 1,089 remaining natural areas statewide), or those areas that meet the requirements to be included in the Inventory, e.g., endangered and threatened species habitat, which is seriously threatened, an area with features not already represented in a preserved site, and an area in a region of the state with few preserved natural features. These priorities for acquisition of natural areas were established as part of the 1980 "Illinois Natural Areas Plan: To Preserve and Protect Our Heritage."

Normally, the acquisition of inventoried natural areas will not include land in agricultural production. In some cases, however, acquisition of additional land surrounding the natural area will be necessary in order to provide access or maintain buffer to protect the natural area. In these situations, alternatives to fee simple acquisition, such as conservation leases and easements, will be considered. In some cases, these alternatives could allow compatible farming practices to continue while at the same time providing protection for the natural area. Outright purchase will be considered when the conditions for the other options, such as leases and easements, cannot be agreed upon with the owner.

2. Expansion Acquisition

A second type of DOC land acquisition effort involves expansion of existing DOC properties. Acquisition to expand existing facilities will be in accordance with comprehensive site plans or other site planning products for the property, e.g., feasibility and special studies. Comprehensive site plans provide specific development, management, use and acquisition direction. An analysis of the agricultural impacts will be integrated into the comprehensive site planning process as an additional criterion.

When acquisition of farmland is proposed within a site plan prepared prior to the Governor's Executive Order Number Four, another evaluation of these parcels will be conducted prior to actually purchasing the land, in order to ensure that they remain essential. In evaluating these parcels, the DOC will investigate the feasibility of less-than-fee-simple acquisition (e.g., conservation leases or easements) as an alternative to outright purchase. In preparing future site plans, the potential for utilizing less-than-fee-simple acquisition will also be explored as part of the planning process. Considerations will include management goals, relative cost, and landowner preference.

For sites lacking comprehensive planning direction, any proposed acquisition will be subject to an evaluation of the agricultural impact prior to being included in the DOC capital budget. As part of this assessment, the DOC will consider the suitability of these lands for needs identified in DOC's internal policy plan Outdoor Recreation in Illinois: The 1983 Policy Plan, and subsequent action plans.

3. New Facilities Acquisition

The DOC also acquires land for new facilities. Selection of a specific site for a new recreation or conservation area, other than a natural area, will be based upon resource capability, recreational potential, locational desirability, acquisition and development costs, environmental impact, and agricultural impacts, both existing and future. Selection of a preferred location among various alternatives will be based upon the above suitability criteria to determine which site can best meet the goals of the project while at the same time minimizing impacts to agriculture.

4. Linear Corridor Acquisition

Purchase of land for long-distance linear corridors is another special type of DOC acquisition. Emphasis will be given to acquiring land which connects points of scenic, natural, cultural or recreational interest and is not Class I, II and III land. In cases where the most direct routes between points of interest would take agricultural land out of production, alternative routes will be examined. Specific criteria for acquisition of land for long distance trails are addressed in the Long Distance Trails Section (pp. 45 and 46), of "Outdoor Recreation in Illinois: The 1983 Policy Plan."

5. Wildlife Habitat Acquisition

A major component of DOC's acquisition program is habitat acquisition, which is intended to address the paramount threat to Illinois' wildlife today – loss of habitat, both in quantity and in quality. During the last century, most of the natural land in the private sector has been converted to other uses at the expense of the wildlife resource base. This problem has now reached crisis proportions as documented in the 1985 report of the Illinois Wildlife Habitat Commission, entitled "The Crisis of Wildlife Habitat in Illinois Today," which strongly advocates expansion of public lands and better utilization of them for wildlife conservation. This recommendation was translated into legislative action in February, 1985 as a major BUILD ILLINOIS initiative and was funded initially for four million dollars in July, 1985. As of February, 1987, the DOC has secured or programmed for acquisition, some 17,248 acres of wildlife habitat at sixty-six (66) sites throughout the state.

To use available dollars wisely, the DOC has developed a set of guidelines to aid in acquistion decisions, which includes the agricultural impact. Specifically, habitat acquisition will conform to the DOC's Agricultural Land Preservation Policy, and the agricultural impact of any potential acquisition will be weighed in the site-selection process. Other criteria include availability, habitat quality, vulnerability, manageability, public input, less-than-fee acquisition potential, recreational potential, and statewide location.

CONSERVATION EASEMENTS

Easements provide the DOC with a valuable mechanism to reduce adverse impacts on agriculture caused by DOC programs, especially large scale projects. Easements are of great benefit because they can be used to allow the continuation of agricultural practices while preventing developments which may have adverse impacts on DOC properties. Essentially, conservation easements involve the landowner transferring to the DOC, through sale, donation or will, certain property rights, such as development rights. Easements can be for a specific length of time, but generally the purpose of obtaining easements is to protect the resource from development in perpetuity. Thus, easements can be used to insure continued agricultural use of the land.

The DOC will strongly consider obtaining easements in cases where the primary purposes of protecting parcels of land are to prevent encroaching development, preserve the visual integrity of the site, maintain an existing land use or provide buffer. The potential benefits to the DOC include reduced costs and management responsibilities, while at the same time protecting the critical resource which otherwise would have required the purchase of fee-simple title. Although an easement can be tailored to specifically accommodate the desires of both the DOC and the land-owner, the landowner's cooperation is necessary. If a landowner is not willing to enter into an easement agreement, a fee-simple acquisition will then be considered.

Less-than-fee-simple acquisition could also be used to allow access across private lands for recreational purposes. As part of the DOC's trails planning process, the use of easements for providing long-distance trail opportunities will be addressed. The use of easements will also be explored in providing recreational use of stream corridors.

CONSERVATION LEASES

The DOC utilizes conservation leases on both a landlord and tenant basis when appropriate. Specifically, the DOC lets agricultural leases on DOC lands to private parties to produce food and cover for wildlife, sometimes on an interim basis following acquisition and pending development. In some cases, larger acreages are acquired than were originally proposed due to ownership patterns and individual landowner's desires. In such an instance, a lease-back will be considered to maintain the agricultural use of the additional property. As a stipulation of any farm lease, the DOC requires proper soil conservation techniques including, but not limited to, the use of conservation tillage, limited spring plowing, and crop rotation in order to protect the land and control erosion.

As an alternative to outright purchase, the DOC will also consider entering into a long-term lease where compatible with site objectives.

PROJECT REVIEW

A major responsibility of the DOC is to review construction projects proposed by federal, state and local governments, as well as private interests, to insure projects are constructed in a manner which is least damaging to Illinois' natural, cultural and recreational resources. As part of this function, the DOC reviews Corps of Engineers Section 10 and Section 404 permits; Soil Conservation Service projects; Department of Transportation, Division of Water Resources permits; National Pollution Discharge and Elimination System permits; state, federal and local highway projects; mining permits; utility power plant sitting proposals; transmission corridor location studies; environmental assessment reports; and Environmental Impact Statements. In addition to statutory charges, the DOC has been granted additional review responsibilities through federal laws such as the Fish and Wildlife Coordination Act (P.L. 85-624, as amended), Department of Transportation Act of 1966 (P.L. 89-670), Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87), and the National Environmental Policy Act (P.L. 91-190).

In reviewing projects, the DOC evaluates effects upon wildlife habitat, aquatic habitat, forest resources, endangered and threatened species, natural areas, recreational resources, cultural and archaeological sites and other natural lands and waters which would be affected by the project. The DOC's major objective is to insure that project sponsors minimize and mitigate impacts upon Illinois' natural, cultural and recreational resources. During its review, the DOC will assess the various project impacts and make comments and recommendations to the permitting agency or project sponsor to insure the project is constructed in an environmentally sound manner. Specific procedures for internal review of construction projects are set forth in the DOC Policies and Procedures Manual.

GRANTS

Two major grant programs, the federal Land & Water Conservation Fund (LWCF) program and state-financed Open Space Lands Acquisition and Development (OSLAD) program, are administered by the DOC. Both provide funding assistance for acquisition and development of public outdoor recreation areas. Monies for the LWCF program are appropriated by Congress on an annual basis to Illinois through the National Park Service, U.S. Department of the Interior. A portion of that money is/may be used for DOC outdoor recreation acquisition, development and planning projects. The remainder is distributed on a competitive basis to local units of government, providing up to 50% reimbursement, on approved outdoor recreation acquisition and development projects. The OSLAD program provides funding assistance solely to local units of government, and also allows for up to 50% reimbursement on approved acquisition and development projects for public outdoor recreation areas. Typically, LWCF and OSLAD projects at the local level are situated within or contiguous to municipalities.

The LWCF and OSLAD programs are administered similarly by DOC per the rules set forth in 17 of the Ill. Adm. Code 3025 and 3030, and in accordance with the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897) and the Illinois Open Space Lands Acquisition and Development Act (Ill. Rev. Stat 1985, ch. 85, pars. 2101 et seq.). In approving LWCF and OSLAD grants, the DOC will encourage project sponsors to minimize acquisition of productive farmland and will promote projects which are within a municipality, constitute contiguous development and are consistent with both DOC plans and local land use plans.

LANDOWNER ASSISTANCE

The DOC administers several programs to assist landowners in wise management of their land. These programs involve advising landowners of conservation practices which in turn benefit agriculture, e.g., reducing erosion and controlling noxious weeds. A brief description of each follows.

1. Acres for Wildlife

This program was established to encourage landowners to set aside part of their property on a yearly basis to provide habitat for wildlife. The program is designed to protect existing wildlife cover, although some modification or manipulation of the existing cover may occur. Maintaining the land as habitat may help control water run-off, thus benefiting adjacent agricultural land.

2. Roadsides for Wildlife

This program involves seeding roadsides, as well as waterways on private lands, to provide habitat for wildlife. Benefits to agriculture include control of erosion and noxious weeds.

3. Private Land Habitat Management Program

Through this program, the DOC provides technical assistance to private landowners in managing their land to provide wildlife habitat. Soil and water conservation are important secondary benefits. Permanent plantings of shrubs, trees, food patches and grass/legumes are usually confined to non-agricultural or very marginal lands.

Technical support is also provided to landowners participating in federal farm programs which retire cropland from production.

4. Reforestation And Technical Assistance

The DOC provides technical assistance to landowners on forest conservation practices. Assistance comprises management advice for the protection, enhancement and utilization of existing forest lands, and reforestation, including a limited supply of tree and shrub seedlings. Usually reforestation is encouraged on marginal lands not suitable for row crops. Many seedlings are also sold to urban and suburban landowners who own small acreages. Agricultural benefits of this program include soil erosion control, production of forest resources, windbreaks, and soil and water conservation.

SUMMARY

It will continue to be the responsibility of the DOC to protect the state's natural, cultural and recreational resources. Toward this end, the DOC will continue to operate a system of parks, recreation, and conservation areas, thus maintaining lands in their natural condition. Furthermore, the DOC will continue to carry out land management practices on these properties to protect the natural resources.

The DOC recognizes that the land is one of Illinois' most valuable natural resources and shares the concern for protecting it from adverse effects. The DOC will cooperate in the effort of the State of Illinois to minimize the conversion of land, valued for its agricultural products, to non-agricultural uses.

(May, 1987; revised)

Illinois Department of Conservation –

Illinois Department of Agriculture

Cooperative Working Agreement

This Cooperative Working Agreement between the Department of Conservation (DOC) and the Department of Agriculture (DOA) is part of the DOC Agricultural Land Preservation Policy, adopted to reduce the irreversible conversion of Illinois' agricultural land. The DOC and the DOA agree to the following:

I. The DOC will notify the DOA of all proposed land acquisition when the preliminary request is submitted to the Bureau of the Budget for consideration and DOC will describe the purpose of each applicable project. Additionally, the DOC will provide the required project information to DOA as specified in 8 Ill. Adm. Code 700.Appendix A: Exhibit B, "Project Proposal Information Requirements." The DOC will also justify the necessity for purchasing farmland, and indicate how the proposed acquisition is consistent with DOC's Agricultural Land Preservation Policy.

The DOC and DOA recognize that certain types of DOC land acquisition involve special situations that should be treated as such. These are enumerated below (see II - VIII). It will be the responsibility of the DOC to identify these special types of acquisition in the project information submitted to DOA.

II. The DOC will continue its program to acquire and protect natural areas identified by the Illinois Natural Areas Inventory, the comprehensive statewide survey which documented the location of relatively undisturbed natural communities, endangered species habitats, geologic areas, and other categories of natural areas. Areas proposed for acquisition may also include additional lands that meet the Inventory criteria, but were not discovered during the initial survey. (The Inventory is a dynamic data base, updated by adding qualifying areas and deleting those that no longer meet the criteria for inclusion.) The DOA recognizes the significance of preserving the few natural areas remaining in the State and supports the DOC's efforts to acquire Inventory areas.

Therefore, the DOA will not conduct a Study of Agricultural Impacts, regardless of the size of the inventoried natural area. Acquisition of any additional land surrounding the natural area will follow the guidelines specified in the DOC's Agricultural Land Preservation Policy and will be subject to DOA's Study of Agricultural Impacts.

III. The DOC purchases some agricultural land specifically to maintain its agricultural use. These farming operations are important in producing food and cover for wildlife. Some modifications of farming practices may occur, however, because lands being farmed under DOC ownership and management are subject to proper land management including, but not limited to, conservation tillage, limited spring plowing and crop rotation.

The DOC also purchases agricultural land to correct adjacent land management practices which are damaging the resources on DOC properties, e.g., watershed pollution. The DOA recognizes the value and necessity of this type of stewardship and wise land management practices. The DOC will notify the DOA of proposed projects of this type and explain the intent and necessity of acquisition and the agricultural impact resulting from DOC acquisition of the property. The DOA will determine whether an Agricultural Impact Study is needed for such acquisitions on a case-by-case basis.

IV. Much of the DOC's land acquisition involves completing previously programmed and initiated acquisition projects. The DOA recognizes the need for contiguous development of DOC properties. Therefore, acquisition of inholdings, regardless of size, will not be subject to the Agriculture Impact Study. For the purpose of this agreement, an inholding is defined as land which is surrounded at least on three sides by DOC ownership.

Proposed acquisition of landlocked parcels, which are dependent upon access through DOC land, shall be given special consideration by the DOA when such access conflicts with management goals for the adjoining DOC land.

V. The DOA will not perform a Study of Agricultural Impacts for DOC projects encompassing 10 acres or less of land. All areas proposed for acquisition by the DOC regardless of size, however, will follow the land acquisition policies set forth in the DOC Agricultural Land Preservation Policy.

VI. The DOA will not perform a Study of Agricultural Impacts on projects located within municipalities.

VII. In the event that acquisition of a parcel is not completed during the fiscal year for which it is programmed, the scope of the project does not change with respect to the land acquisition, and a review and/or Agricultural Impact Study has been completed, it shall not be subject to further review nor the Agricultural Impact Study process in subsequent years.

VIII. Land acquired by gift, administrative transfer, conservation easement, or conservation lease, shall be exempt from the Agricultural Impact Study process.

IX. It is imperative that the DOC's land acquisition program proceed on schedule during each fiscal year. Accordingly, in the event the DOA has not completed its agricultural impact review of a DOC project site within 30 days of notification, the DOC may proceed with acquisition unhampered. However, the 30 day review time frame will not commence until the DOA has received the required project information. If problems arise, the DOA may request, in writing, a 15 day extension. Furthermore, DOC will not release information to the general public relative to a final decision on a project site(s) which falls under the DOA's purview until the required Study of Agricultural Impacts has been completed.

X. If a project is not in compliance with DOC's Agricultural Land Preservation Policy and/or Cooperative Working Agreement and a compromise cannot be reached, the DOA shall invoke the Conflict Resolution Process (8 Ill. Adm. Code 700.Appendix A: Exhibit C).

XI. The DOC and the DOA will take all possible measures to insure that procedures relating to the implementation of this Agreement will remain confidential.

XII. This Cooperative Working Agreement and the associated Agricultural Land Preservation Policy shall be the governing document for the DOC and shall not be preempted in whole nor in part by any other agency agreement.

(May, 1987; revised)

(Source: Exhibit A renumbered from Appendix D and amended at 11 Ill. Reg. 18569, effective November 2, 1987)