**Section 1515.90 Violations**

a) Landowners are solely responsible and liable for complying with the terms of the Grant of Conservation Right and Easement Agreements.

b) Upon determination of a violation of an Illinois CREP Grant of Conservation Right and Easement Agreement, IDNR or the SWCD shall proceed as follows:

1) If it is determined that there is a reasonable probability that the violation will be corrected by agreement with the Landowner, a notice of violation shall be provided to the Landowner and shall include:

A) Information identifying the violation and the location of the acreage;

B) Citation to the term of the Illinois CREP Grant of Conservation Right and Easement Agreement violated;

C) Required corrective action to cure the violation; and

D) Time period for the required corrective action.

2) If it is determined that there is not a reasonable probability that the violation will be corrected by agreement with the Landowner, that the violation was intentional, or that the violation will cause significant damage to the acreage, the violation will be directly referred for enforcement as set forth in subsection (f).

c) IDNR or the SWCD may negotiate terms for correcting a violation. If the parties agree to terms different than the original notice of violation, an amended notice of violation will be issued to the Landowner.

d) IDNR or the SWCD may cause a notice of violation to be recorded with the County Recorder's Office in the county where the Illinois CREP Acreage is located. If a notice of violation is recorded, IDNR or the SWCD will likewise record any amended notice of violation.

e) If the Landowner satisfactorily corrects a violation, IDNR or the SWCD shall issue a notice of corrected violation to the Landowner. IDNR or the SWCD will also record the notice of corrected violation, if a notice of violation was filed pursuant to subsection (d).

f) If the Landowner fails to satisfactorily correct a violation, IDNR or the SWCD shall refer the violation to the Illinois Attorney General, or other appropriate entity, for judicial enforcement. Judicial enforcement of an Illinois CREP Grant of Conservation Right and Easement Agreement may result in the following:

1) Correction of the violation;

2) Payment of all costs associated with the enforcement action; and

3) Payment of a civil penalty based on the culpability of the Landowner and the significance of the damage to the acreage, not to exceed the amount of the Landowner's Illinois CREP Grant of Conservation Right and Easement Agreement payment.

g) Payments for violations by the Landowner shall not be construed as a buy-out of the Illinois CREP Grant of Conservation Right and Easement Agreement by either IDNR or the SWCD and shall not release the Landowner from, or waive any terms of, the Illinois CREP Grant of Conservation Right and Easement Agreement.

h) Payments for violations of Illinois CREP Grant of Conservation Right and Easement Agreement shall be deposited into the Illinois Habitat Fund (see 520 ILCS 25).

(Source: Amended at 46 Ill. Reg. 5986, effective March 30, 2022)