



Sen. Ram Villivalam

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10200SB3471sam001

LRB102 24985 NLB 35581 a

1 AMENDMENT TO SENATE BILL 3471

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3471 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Partners for Nutrient Loss Reduction Act.

6 Section 5. Findings. The State recognizes that the  
7 Illinois Nutrient Loss Reduction Strategy (NLRS) declares the  
8 scale and pace of adoption of conservation and nutrient  
9 management practices needs to accelerate in order to reduce  
10 nutrient losses, improve and protect soil health, and achieve  
11 water quality goals. The increases in precipitation and stream  
12 flows indicated in the most recent biennial report of the  
13 NLRS, "2021 Biennial Report", show the increasing challenge  
14 that climate change presents in meeting nutrient loss  
15 reduction targets. Poor soil infiltration rates and increased  
16 intensity and duration of precipitation is having negative

1 impacts on erosion, flooding, stormwater, soil health, and  
2 water security for residents throughout the State. These  
3 factors threaten the resilience of Illinois communities, the  
4 economy, and the environment. Therefore, the State of Illinois  
5 must adopt processes and procedures to enhance and guide the  
6 implementation of the NLRs to respond to emerging challenges  
7 and protect the natural resources of the State.

8 Section 10. Declaration of policy. The General Assembly  
9 finds and declares that:

10 (1) The agricultural industry represents one of  
11 Illinois the largest economic sectors, and the soil and  
12 water resources of the State constitute one of Illinois'  
13 basic and essential assets that contribute to the economic  
14 health and well-being of the State and its residents;

15 (2) The preservation of soil and water resources  
16 requires planning and programs to ensure:

17 (A) the sustainable management and productivity of  
18 soil and water resources;

19 (B) the resilience of our soil and water resources  
20 from the effects of climate change and extreme weather  
21 events;

22 (C) equity in access to farming and food  
23 production.

24 (3) Sustainable agriculture is critical to:

25 (A) the success of rural communities;

- 1 (B) the cultural diversity of the State;
- 2 (C) maintaining healthy farmland for future  
3 generations of Illinois farmers;
- 4 (D) improving water quality;
- 5 (E) safeguarding biological diversity, especially  
6 key species like pollinators;
- 7 (F) maintaining high-quality recreation  
8 opportunities; and
- 9 (G) helping to sustain the State economy.

10 (4) It is essential to reduce the amount of nutrients  
11 flowing into our watersheds by implementing strategies and  
12 policies that:

- 13 (A) promote efficient use of nutrients and  
14 sequester nitrogen and phosphorus within our soil to  
15 improve environmental health within Illinois,  
16 surrounding states, and the Gulf of Mexico;
- 17 (B) protect and improve soil health and water  
18 quality for future generations;
- 19 (C) protect groundwater used as drinking water,  
20 especially for rural residents dependent on well  
21 water;
- 22 (D) ensure Illinois' waterways make progress  
23 toward being swimmable, fishable and drinkable;
- 24 (E) ensure that municipalities are well-equipped  
25 to implement nutrient management practices as it  
26 relates to wastewater treatment, stormwater management

1 and drainage;

2 (F) promote partnerships and collaboration among  
3 stakeholders; and

4 (G) use all available funding, whether it be from  
5 public or private resources, to assist in achieving  
6 the goals within this Act.

7 Section 15. Definitions. As used in this Act:

8 "Department" means the Illinois Department of Agriculture.

9 "Districts" mean soil and water conservation districts.

10 "Healthy soils practices" means systems of agricultural,  
11 forestry and land management practices that:

12 (1) improve the health of soils, including, but not  
13 limited to, consideration of depth of topsoil horizons,  
14 water infiltration rate, water-holding capacity, organic  
15 matter content, biologically accessible nutrient content,  
16 bulk density, biological activity, and biological and  
17 microbiological diversity;

18 (2) follow the principles of: minimizing soil  
19 disturbance and external inputs; keeping soil covered;  
20 maximizing biodiversity; diversifying crop rotations;  
21 maximizing presence of living roots; integrating animals  
22 into land management, including grazing animals, birds,  
23 beneficial insects, or keystone species, such as  
24 earthworms; and incorporating the context of local  
25 conditions in decision-making, including, for example,

1 soil type, topography, and time of year; and

2 (3) include such practices as conservation tillage or  
3 no-till, cover-cropping, perennialization of highly  
4 erodible land, precision nitrogen and phosphorus  
5 application, managed grazing, integrated crop-livestock  
6 systems, silvopasture, agroforestry, perennial crops,  
7 integrated pest management, nutrient best management  
8 practices, and those practices recommended by the United  
9 States Department of Agriculture Natural Resources  
10 Conservation Service Field Office Technical Guide.

11 "Initiative" means the Illinois Healthy Soils and  
12 Watersheds Initiative.

13 "Soil health" means the continuing capacity of a soil to  
14 function as a vital, living biological system that sustains  
15 plants, animals, and humans, increases soil organic matter,  
16 improves soil structure and water-and nutrient-holding  
17 capacity and nutrient cycling, enhances water infiltration and  
18 filtration capability, promotes water quality, and results in  
19 net long-term ecological benefits; healthy soils host a  
20 diversity of beneficial organisms, grow vigorous crops,  
21 enhance agricultural resilience, including the ability of  
22 crops and livestock to tolerate and recover from drought,  
23 temperature extremes, extreme precipitation events, pests,  
24 diseases, and other stresses, break down harmful chemicals,  
25 and help convert organic residues into stable soil organic  
26 matter and retaining nutrients, especially nitrogen and

1 phosphorus.

2 "Soil health assessment" means a suite of  
3 soil-health-indicator measures, including, but not limited to:  
4 soil organic matter, soil structure, infiltration and bulk  
5 density, water-holding capacity, microbial biomass, and soil  
6 respiration.

7 "Watershed health" means the continued capacity of a  
8 surface and groundwater ecosystem to function as a vital  
9 living ecosystem that is resilient to drought and storm events  
10 and that sustains humans, plants, and animals; healthy  
11 watersheds provide public and private benefits, including, but  
12 not limited to, improved water cycle, water quality, drinking  
13 water security, recreation and tourism, stormwater management,  
14 flood mitigation, habitat resilience, and crop risk.

15 Section 20. Illinois Healthy Soils and Watersheds  
16 Initiative. The Illinois Healthy Soils and Watersheds  
17 Initiative is created. It is the purpose of the Initiative to  
18 improve the health of soils and the function of watersheds  
19 through efforts that support the implementation of the NLRs,  
20 reduce nutrient loss, improve soil and water quality, protect  
21 drinking water, increase the resilience of ecosystems to  
22 extreme weather events, protect and improve agricultural  
23 productivity, and support aquatic and wildlife habitat.

24 The Illinois Healthy Soils and Watersheds Initiative shall  
25 be administered by the Director of Agriculture with

1 consultation from the soil and water conservation districts,  
2 the Illinois Environmental Protection Agency, and the  
3 University of Illinois Extension Program. The Department shall  
4 create guidelines and guidance to assist the soil and water  
5 conservation districts in developing goals and needs  
6 assessments in order to identify desired capacity and funding  
7 levels and establish regular, measurable, cost-effective and  
8 technically achievable goals to advance strategies that  
9 improve healthy soils and watersheds and reduce nutrient loss.  
10 These assessments shall be used to identify opportunities to  
11 access and leverage financial and technical assistance from  
12 local, State, federal, and private sources and to guide  
13 resources to their best potential use.

14 The Initiative shall complement and improve coordination  
15 of existing resources and processes, such as those underway  
16 through the NLRS, the erosion and sediment control program,  
17 those described by Section 6z-32 of the State Finance Act, and  
18 shall not replace existing, local, State, private, or federal  
19 funding or technical assistance programs.

20 The Department shall report on progress of the Initiative  
21 as a component of biennial reporting for the Illinois Nutrient  
22 Loss Reduction Strategy described in this Act.

23 The Initiative shall promote voluntary and incentive-based  
24 conservation efforts. No part of this Act shall be used to  
25 impose mandates or require practice adoption.

1           Section 25. Guidelines for goals and needs assessment. The  
2 Department shall adopt and revise guidelines to assist soil  
3 and water conservation districts in determining local goals  
4 and needs for implementing soil health and watershed  
5 conservation projects consistent with the Nutrient Loss  
6 Reduction Strategy.

7           Before adopting or revising any guidelines, the Department  
8 shall hold a minimum of 2 public hearings with respect  
9 thereto. At least 30 days' notice of the hearings shall be  
10 given by the Department in such a manner as the Department  
11 considers best suited to obtain input from soil and water  
12 conservation districts and all other persons interested in the  
13 proposed guidelines or revisions. Like notice shall be given  
14 by the Department to any person who has filed a request to be  
15 provided notice of such hearings. Copies of the proposed  
16 guidelines or revisions shall be made available to all those  
17 receiving notice of the hearing and to any other person, upon  
18 request.

19           In developing its guidelines to assist soil and water  
20 conservation districts in determining local goals and needs  
21 for project implementation to accomplish the goals of the  
22 Nutrient Loss Reduction Strategy, the Department shall  
23 consider:

24           (1) the relevant physical and geological features of  
25 individual watersheds and drainage basins of the State,  
26 including, but not limited to, data relating to land use



1 and land use activities, soil type, hydrology, geology,  
2 waterbody characteristics, stream buffers, and built  
3 infrastructure;

4 (2) estimates of each district's nutrient loss based  
5 on the nitrogen and phosphorus HUC8 watershed loads  
6 described in the NLRs science assessment. When a district  
7 is in more than one watershed, their nutrient contribution  
8 can be calculated using a weighted average based on how  
9 much of their county is in each watershed;

10 (3) watershed-scale information about current and  
11 future climate projections and expected impacts from  
12 climate change in regard to streamflow, soil health, and  
13 other factors that would exasperate nutrient loss as well  
14 as increase additional risks related to flooding, water  
15 quality impairments and other impacts to ecosystem  
16 function and biological diversity;

17 (4) previously established goals and deadlines within  
18 local watershed-based plans, total maximum daily load  
19 allocation plans, water quality implementation plans,  
20 stormwater plans, soil health plans, or nutrient  
21 assessment and reduction plans;

22 (5) county and State levels of conservation practice  
23 adoption, consistent with the NLRs-approved practices list  
24 determined by the NLRs science committee. Guidance should  
25 also be provided to districts to meet USDA Natural  
26 Resource Conservation Service determined conservation

1 practice standards;

2 (6) information regarding beginning, socially  
3 disadvantaged, and veteran farmers and ranchers, as well  
4 as disadvantaged communities;

5 (7) surveys of lands and waters, land ownership, and  
6 public lands as the Department considers appropriate; and

7 (8) availability of State, federal, and private  
8 financial and technical assistance programs to soil and  
9 water conservation districts, local governments, and  
10 conservation partners to implement NLRs projects.

11 The guidelines shall be reviewed and updated by the  
12 Department every 4 years, coinciding with every other biennial  
13 report of the NLRs and following the process regarding public  
14 meetings and disclosure listed in this Section.

15 The Department shall collaborate with the Illinois  
16 Environmental Protection Agency and may collaborate with other  
17 partners such as the Illinois Department of Natural Resources  
18 and University of Illinois Extension to prepare the  
19 guidelines.

20 The information collected through the development of the  
21 guidelines shall be summarized and provided to the soil and  
22 water conservation districts to inform the development of  
23 local goals and needs assessments. The Department shall make  
24 reasonable efforts to provide as much of this information as  
25 possible as a publicly available county-level geospatial  
26 database.

1 Initial guidelines shall be completed and provided to soil  
2 and water conservation districts by January 31, 2023.

3 Section 30. Local goals and needs assessment. Upon the  
4 adoption of guidelines described in Section 25, each soil and  
5 water conservation district shall develop its own goals and  
6 needs assessment to guide implementation of the NLRS. The  
7 goals and needs assessment shall be technically feasible,  
8 economically reasonable, and consistent with the Nutrient Loss  
9 Reduction Strategy.

10 The Department shall provide a template to the districts  
11 for the local goals and needs assessment including the  
12 required information listed in this Section as well as  
13 information regarding available data and support materials  
14 collected as the guidance information listed in Section 25.

15 Each district is encouraged to collaborate with other  
16 local governmental entities and local stakeholders in  
17 developing and implementing its goals and needs assessment. To  
18 assist in developing its goals and needs assessment, each  
19 district shall use the guidelines provided by the Department  
20 and name an advisory committee. The advisory committee shall  
21 include representatives from a wide variety of interests, such  
22 as agriculture, business, local government, water utilities,  
23 conservation organizations, environmental organizations, and  
24 recreation. The advisory committee may be identified within an  
25 existing process, including, but not limited to, the erosion

1 and sediment control program, watershed planning group, or  
2 land use council.

3 Upon the request of a district, the Department shall  
4 assist in the preparation of the district's goals and needs  
5 assessment. Districts may also work collaboratively to  
6 establish joint plans to leverage existing capacity and  
7 resources most effectively.

8 To carry out its assessment, a district shall identify  
9 conservation activities consistent with the NLRs-approved  
10 practices for various types of soils and land uses. The  
11 assessment shall include planned activities for maximizing the  
12 benefit of conservation activities to reduce nutrient losses,  
13 promote soil and watershed health, and support the viability  
14 of the agricultural sector.

15 The goals and needs assessment must consider opportunities  
16 to access, leverage, and use State, federal, and private  
17 resources within a specific soil and water conservation  
18 district service area.

19 Soil and water conservation districts may also convene  
20 producer-led dialogues to identify special initiatives or  
21 pilot projects to leverage additional resources and implement  
22 projects at scale across multiple operations and land  
23 ownerships. These efforts should seek to leverage funding and  
24 resources from local, State, federal, and private entities.  
25 These efforts may be coordinated with research and pilot  
26 projects directed by the Nutrient Research and Education

1 Council.

2 In developing a goals and needs assessment, the soil and  
3 water conservation district shall:

4 (1) evaluate existing assets such as current  
5 practices, current cropping systems, crop processing and  
6 market infrastructure, riparian buffers, wetlands, public  
7 lands, funding, education, research and peer-to-peer  
8 training opportunities, and existing partnerships;

9 (2) consider the eligible funding categories available  
10 through the Partners for Conservation Fund and their  
11 ability to advance the healthy soils practices consistent  
12 with soil health principles and the NLRs-approved  
13 practices list within a soil and water conservation  
14 district service area;

15 (3) determine vulnerabilities such as runoff risk,  
16 riparian function, stormwater, floodplains and stream  
17 impairments, and observed and predicted impacts from  
18 climate change, especially to socially disadvantaged  
19 farmers, ranchers, and communities;

20 (4) consult existing plans and priorities established  
21 by municipal and local governments, wastewater treatment  
22 facilities and private sector partners;

23 (5) identify opportunities to conduct outreach to  
24 agricultural producers and landowners and to develop  
25 individual soil health plans as well as other  
26 beneficiaries of nutrient loss reduction efforts;

1           (6) establish goals for achieving measurable outcomes  
2           for nutrient loss reduction, soil and watershed health and  
3           farmer viability. This includes identifying opportunities  
4           to support beginning, socially disadvantaged and veteran  
5           farmers as well as small and mid-scale farmers;

6           (7) estimate 2-year funding levels needed from State,  
7           federal and private sources in order to achieve goals; and

8           (8) identify opportunities to develop partnerships and  
9           leverage resources from local governments and utilities,  
10          State and federal agencies and private entities.

11          The goals and needs assessment shall be updated every 2  
12          years to coincide with each biennial report of the NLRS.  
13          Before adopting or revising the goals and needs assessment,  
14          the district shall, after giving due notice, conduct at least  
15          one public hearing on the proposed changes.

16          The goals and needs assessment shall be made available for  
17          public inspection at the principal office of the district and  
18          shall be provided to any person upon request.

19          The goals and needs assessment shall be drafted and  
20          submitted alongside the district's long-term range plan and be  
21          used to guide its annual plan of work submitted to the  
22          Department. The Department shall identify shared goals and  
23          priorities between districts and shall assist in developing  
24          partnerships and shared funding approaches to maximize  
25          capacity and resources. This may include, but is not limited  
26          to, supporting the development of applications to the USDA's

1 Regional Conservation Partnership Program and Conservation  
2 Innovation Grant Programs.

3       Upon its adoption, the district shall submit its goals and  
4 needs assessment to the Department for review and approval. If  
5 a district fails to complete a goals and needs assessment and  
6 to submit it to the Department by the time specified in this  
7 Section, the Department shall, after such hearings or  
8 consultations with the various local interests in the district  
9 as it considers appropriate, develop an appropriate goals and  
10 needs assessment to be carried out by the district. In  
11 assessing the goals and needs assessments, the Department  
12 shall consider whether, taken together, the implementation of  
13 the assessments by each district is sufficient to make  
14 progress toward the interim and long-term nutrient loss  
15 reduction goals included in the NLRs.

16       Initial goals and needs assessments shall be submitted to  
17 the Department by November 1, 2023.

18       Section 35. Compliance and standards; cost sharing. To be  
19 eligible to receive State cost-share support after January 1,  
20 2024, soil and water conservation districts shall have an  
21 updated goals and needs assessment.

22       The Department shall update its rules and procedures for  
23 cost-share funding to be inclusive of all relevant  
24 NLRs-approved practices promoting the rapid adoption of  
25 cost-effective and technically feasible projects. Updates to

1 the rules and procedures shall also address barriers to access  
2 experienced by beginning, socially disadvantaged, and veteran  
3 farmers.

4 The Department may require results-based practices,  
5 consistent with the NLRs-approved practice list, or the  
6 assessment of the environmental outcomes of projects, at the  
7 field or county level, as a condition of funding.

8 Section 40. Availability of appropriated funds. The  
9 requirements and deadlines for local goals and needs  
10 assessments are contingent on the availability of appropriated  
11 funds. The Director of Agriculture, in consultation with the  
12 soil and water conservation districts, may make adjustments to  
13 the deadlines or the requirements of the goals and needs  
14 assessments, on a case-by-case basis for individual districts,  
15 if those factors are found to be unnecessary or unreasonable  
16 given available funding resources and capacity constraints.

17 A report of these funding and capacity constraints must be  
18 provided to the General Assembly and the NLRs Policy Working  
19 Group for review by January 1st of the following year.

20 Section 45. State water quality program guidance. The  
21 Illinois Environmental Protection Agency shall update water  
22 quality program guidance for the nonpoint source management  
23 program by June 30, 2023. This update shall include, but is not  
24 limited to, incorporating the findings of the NLRs into



1 program guidance and evaluation of adaptive management  
2 opportunities in response to risk to the State's water  
3 resources presented by climate change and shall consider  
4 strategies that address barriers to access to funding and  
5 technical assistance programs by socially disadvantaged  
6 communities.

7 Updates to the nonpoint source management program shall  
8 also consider opportunities to develop a sponsorship lending  
9 program within the water revolving fund to promote  
10 collaboration within priority watersheds and promote  
11 coordination between traditional gray and green infrastructure  
12 improvements such as land acquisition and ecosystem  
13 restoration, especially in regard to directing resources to  
14 socially disadvantaged communities.

15 Section 50. NLRs alignment for State-owned and  
16 State-leased agricultural lands. State agencies, including,  
17 but not limited to, the Department of Natural Resources,  
18 Department of Agriculture, Department of Transportation, and  
19 Illinois State Universities, shall evaluate existing soil  
20 health practices on agricultural lands that are owned and  
21 managed by the State, or leased to a third party, and update  
22 management plans, contracts, or other resources to support the  
23 rapid adoption of cost-effective and technically feasible  
24 practices identified within the NLRs-approved practice list.

1           Section 55. Illinois Nutrient Loss Reduction Strategy  
2 Report. Every 2 years, beginning in 2023, the Department of  
3 Agriculture, in consultation with the Department of Natural  
4 Resources, the University of Illinois Extension Program, and  
5 the Illinois Environmental Protection Agency, shall produce a  
6 Nutrient Loss Reduction Strategy Report that shall inform the  
7 agencies and lawmakers of the current state of nutrient loss  
8 within Illinois, progress toward achieving nutrient loss  
9 reduction targets as outlined in the NLRs, and make  
10 recommendations for accelerating the implementation of  
11 practices that would reduce overall nutrient loads into the  
12 waters of this State. The report shall include, but is not  
13 limited to, the following information:

14           (1) An executive summary outlining the findings and  
15 recommendations of the report.

16           (2) A scientific assessment of the total nutrient  
17 loads for phosphorus and nitrogen and load reduction  
18 scenarios for both point sources and nonpoint sources.

19           (3) An assessment of the impacts and risks from  
20 climate change and extreme weather for advancing the goals  
21 of the strategy as well as opportunities for adaptive  
22 management.

23           (4) Identification of priority watersheds and  
24 potential impacts from nutrient loss to disadvantaged  
25 communities, including impacts to drinking water systems  
26 and costs to community services.

1           (5) A list of approved practices for reducing nutrient  
2 loss such as natural infrastructure projects such as  
3 wetland restoration, riparian buffer zones, and  
4 reforestation.

5           (6) A summary of guidelines for determining local  
6 goals and needs for advancing NLRs priorities.

7           (7) A summary of local goals and needs provided by the  
8 soil and water conservation districts.

9           (8) A summary of activities by local governments,  
10 utilities, and waste management facilities to implement  
11 nutrient management practices as it relates to wastewater  
12 treatment, stormwater management, and drainage.

13           (9) Opportunities to improve collaboration among  
14 State, federal, and private stakeholders.

15           (10) Policy and funding recommendations to advance  
16 goals and priorities sufficient to achieve the interim  
17 goal of reducing loads of nitrate-nitrogen by 15% and  
18 total phosphorus by 25% by 2025 and the long-term goal of  
19 reducing loads from Illinois for total phosphorus and  
20 total nitrogen each by 45%.

21           Section 60. Report delivery. The Department of Agriculture  
22 shall submit copies of completed reports to the Governor, the  
23 President of the Senate, and the Speaker of the House. In  
24 addition, copies shall be submitted to the House Agriculture &  
25 Conservation Committee, the House Energy & Environment

1 Committee, the Senate Agriculture Committee, and the Senate  
2 Environment and Conservation Committee.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".