

# HB3458



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB3458**

by Rep. Charles Meier

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Natural Areas Stewardship Act. Creates the Illinois Land Conservation and Stewardship Grant Program to make grants to conservation land trusts to steward lands identified in the Illinois Natural Area Inventory, lands designated as a buffer area, lands designated as a nature preserve, or lands registered as an Illinois Land and Water Reserve. Establishes the duties of the Department of Natural Resources in carrying out the provisions of the Act. Creates provisions concerning violations of the Act and administrative review. Effective immediately.

LRB100 09562 SLF 19729 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Illinois Natural Areas 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 by non-governmental  
10 conservation land trusts contribute to the general public  
11 good, health, prosperity, and welfare of the State and its  
12 citizenry. It is therefore appropriate for State  
13 government to promote and assist conservation land trusts  
14 to steward conservation lands so that the people of the  
15 present and future generations continue to receive the  
16 benefits of land conservation, including flood protection,  
17 improved water and air quality, erosion control, wildlife  
18 habitat, carbon sequestration, wildlife migration  
19 corridors, and outdoor recreation.

20 (2) Public and private lands acquired for these  
21 purposes incur perpetual stewardship costs to fully  
22 protect them. Public-private partnerships are warranted to  
23 continue protecting conservation lands while also

1 providing the proper level of stewardship in order to meet  
2 the ever increasing pressures exerted on conservation  
3 lands by climate change, pollution, encroachment by  
4 invasive and exotic species, and criminal trespass.

5 (3) The State's natural resource agencies and  
6 conservation land trusts have a long history in cooperation  
7 and partnership in implementing the Illinois Natural Area  
8 Plan, Illinois Sustainable Natural Areas Vision, and the  
9 Illinois State Wildlife Action Plan through the  
10 acquisition, management, and defense of lands with  
11 conservation value such as those identified on the Illinois  
12 Natural Areas Inventory. This Act is intended to foster  
13 local support for the execution of statewide conservation  
14 goals and priorities by providing funding for conservation  
15 land trusts to steward conservation lands identified on the  
16 Illinois Natural Areas Inventory, land designated as a  
17 buffer area, land dedicated as a nature preserve, or land  
18 registered as an Illinois Land and Water Reserve.

19 (b) It is the purpose of this Act to provide cost share  
20 grants to conservation land trusts to help implement the  
21 Illinois Natural Area Plan, the Illinois Sustainable Natural  
22 Areas Vision, and the Illinois Wildlife Action Plan by  
23 conducting actions that are identified on the Illinois Natural  
24 Areas Inventory, lands dedicated as a buffer area, lands  
25 registered as a nature preserve, or lands registered as a  
26 Illinois Land and Water Reserve.

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

2 "Administrative decision" has the same meaning ascribed to  
3 it in Section 3-101 of the Code of Civil Procedure

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

6 "Buffer area" has the same meaning ascribed to it in  
7 Section 3.02 of the Illinois Natural Areas Preservation Act.

8 "Commission" means the Illinois Nature Preserves  
9 Commission as defined under Section 3.05 of the Illinois  
10 Natural Areas Preservation Act.

11 "Conservation dedication" means dedication as a nature  
12 preserve, dedication as a buffer area, or registered as an  
13 Illinois Land and Water Reserve under the Illinois Natural  
14 Areas Preservation Act.

15 "Conservation land trust" means an entity exempt from  
16 taxation under Section 501(c)(3) of the Internal Revenue Code  
17 whose purposes include the conservation of land, natural areas,  
18 open space, or water areas, for the preservation of native  
19 plants or animals, biotic communities, geologic formations, or  
20 archeological sites of statewide significance.

21 "Department" means the Department of Natural Resources.

22 "Director" means the Director of Natural Resources.

23 "Fines and settlements" means natural resource fines,  
24 either State or federal, and out of court settlements for  
25 environmental damages.

1 "Grant application" means a requests for funds to steward  
2 lands under this Act by conservation land trusts.

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

5 "Illinois Land and Water Reserve" means land registered as  
6 a Land and Water Reserve with the Department of Natural  
7 Resources under the Department's authority under the Illinois  
8 Natural Areas Preservation Act.

9 "Land" has the same meaning ascribed to it in 3.09 in the  
10 Illinois Natural Areas Preservation Act.

11 "Management plan" means a written management schedule  
12 developed for the preservation, protection, management, and  
13 use of lands reviewed by the Commission and approved by the  
14 landowner and the Department.

15 "Nature preserve" has the meaning as it is defined in  
16 Section 3.11 of the Illinois Natural Areas Preservation Act.

17 "Steward" means to improve or prevent degradation of land  
18 by applying stewardship and restoration practices including,  
19 but not limited to, prescribed burns, control of exotic and  
20 invasive species, fencing, and other practices identified in  
21 the management plan.

22 "Stewardship grant" means a grant from the Department to a  
23 conservation land trust to implement the purposes of this Act.

24 Section 15. Powers, duties, and authorizations. The  
25 Department shall:

1           (1) Make grants in accordance with Section 20 of this  
2 Act.

3           (2) Establish the total amount of funds available for  
4 annual grants with review and formal approval by the  
5 Commission at one of their regularly established meetings.  
6 The total amount available for annual grants shall not  
7 exceed \$2,000,000 and shall not result in adverse impacts  
8 on the operations of Department or the Commission.

9           (3) Accept fines and settlements or donations from any  
10 corporation, foundation, non-governmental agency,  
11 individual, or instrumentality thereof, for the purposes  
12 of executing this Act and these funds may deposited into  
13 the Natural Areas Acquisition Fund.

14           (4) Develop and administer the Illinois Natural Areas  
15 Stewardship Grant program.

16           (5) Adopt rules to effectuate the purposes of this Act.

17           (6) Execute contracts, grant agreements, memoranda of  
18 understanding, cooperation agreements, and any other  
19 agreements with conservation land trusts and other State  
20 and local agencies that are necessary to implement this  
21 Act.

22           (7) Monitor compliance with all agreements, grants,  
23 contracts, and other instruments developed under this Act  
24 and to assure coordination with the Illinois Wildlife  
25 Action Plan and the Illinois Natural Areas Inventory.

26           (8) Develop progress reports on the implementation and

1 development of this Act which shall be filed biannually  
2 with the Governor and the General Assembly.

3 (9) In any year in which grants are made under this  
4 Act, the Department may use funds from the Natural Areas  
5 Acquisition Fund to pay for the cost of Department  
6 personnel, contractual, professional, or technical  
7 services, equipment, materials, and supplies necessary or  
8 appropriate to perform the functions under this Act,  
9 provided that those costs shall not exceed 5% of the funds  
10 appropriated to implement this Act in any fiscal year.

11 Section 20. Illinois Natural Areas Stewardship Grant  
12 Program.

13 (a) The Illinois Natural Areas Stewardship Grant Program is  
14 established to make grants to conservation land trusts to  
15 steward lands identified in the Illinois Natural Areas  
16 Inventory, lands dedicated as a buffer area, lands designated  
17 as an nature preserve, or lands registered as an Illinois Land  
18 and Water Reserve.

19 (b) Lands included in a stewardship grant shall be placed  
20 under a permanent conservation dedication.

21 (c) Any conservation land trust in good standing with the  
22 federal Internal Revenue Service may apply for a grant.

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

1           (e) The Department shall adopt rules in consultation with  
2 the Commission for the selection of grant recipients, amount of  
3 grant awards, and eligibility requirements to implement the  
4 purposes of this Act. However, the rules shall include the  
5 following requirements:

6           (1) Any stewardship grant under this Act shall require  
7 a 10% match but cannot exceed \$50,000 to any applicant in  
8 any fiscal year.

9           (2) Lands included in a stewardship grant that are not  
10 already encumbered by a permanent conservation dedication  
11 shall be so encumbered by a permanent conservation  
12 dedication as a condition of the grant and shall be  
13 memorialized in writing and approved in writing by the  
14 Director.

15           Section 25. Priorities. In considering applications for  
16 grants under this Act, the Department shall give priority to  
17 projects which will provide the greatest benefit to  
18 implementing the needs and priorities identified in the  
19 Illinois Natural Areas Plan, the Illinois Sustainable Natural  
20 Area Vision and the Illinois Wildlife Action Plan. The total  
21 amount of grants made for any fiscal year may not exceed the  
22 amount of the appropriation for that fiscal year.

23           Section 30. Injunctions. The Attorney General or the  
24 State's Attorney of the county where a project is located, may,

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

9 Section 35. Violations. Any person, conservation land  
10 trust, governmental agency, non-governmental agency, or  
11 organization that willfully violates this Act or its rules, or  
12 causes a violation by their employee or agent, shall be liable  
13 for a civil penalty and the penalty shall be recovered in an  
14 action brought by the Attorney General or the State's Attorney  
15 in the circuit court. All penalties shall be deposited in the  
16 Natural Areas Acquisition Fund. Penalties collected under this  
17 Section shall not supersede criminal, civil, or other penalties  
18 enforced as a result of violations of this Section.

19 Section 40. Administrative Review Law. All final  
20 administrative decisions under this Act are subject to judicial  
21 review under the Administrative Review Law and its rules.  
22 "Administrative decision" means the term as defined in Section  
23 3-101 of the Administrative Review Law.

1           Section 45. Fund depository. All funds, assessments,  
2           fines, and settlements, compensations, transfers,  
3           appropriations, penalties, and donations made under this Act  
4           shall be deposited into the Natural Areas Acquisition Fund.

5           Section 99. Effective date. This Act takes effect upon  
6           becoming law.