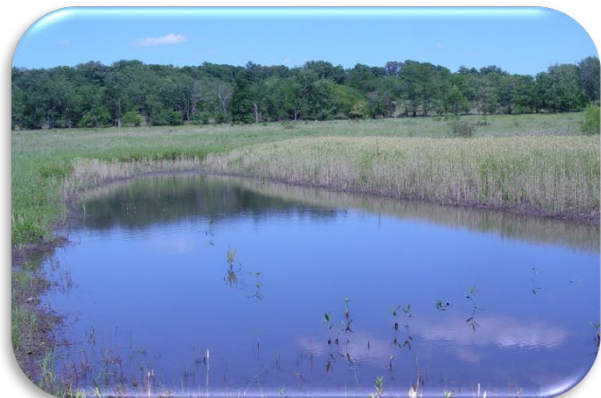




# **CREP ENROLLMENT REFERENCE MANUAL**

## **FOR SWCDs**



**October 2022**

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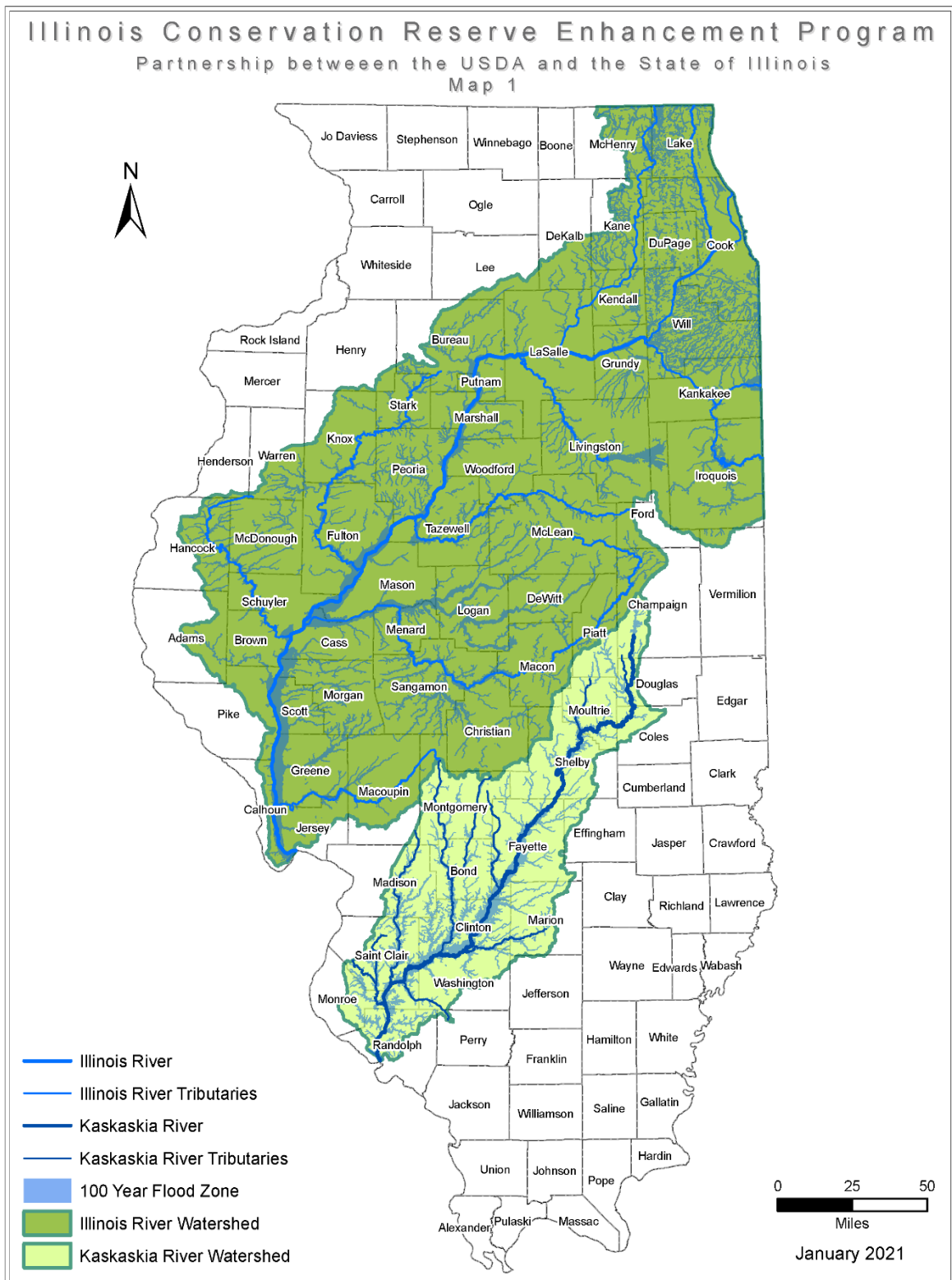


Figure 1. Illinois CREP Eligible Watersheds.

## **Part I. Illinois CREP Background**

### **Federal CREP Eligible Land Criteria**

The acres to be enrolled under Federal CREP must consist of eligible cropland located within the Illinois River or Kaskaskia River Watersheds (Figure 1).

- Eligible cropland and marginal pasture acres (as determined by the Farm Service Agency (FSA)) include the following:
  - Flooded and/or Wetland Riparian areas, which for this purpose shall be defined to be cropland or marginal pastureland that is any of the following:
    - Within the 100-year floodplain of the Illinois and Kaskaskia Rivers and their tributary stream systems (Figure 1).

### **Practices in the 100-Year Floodplain**

<b><u>Practice Code</u></b>	<b><u>Name</u></b>
CP3A	Hardwood Tree Planting
CP4D	Permanent Wildlife Habitat
CP9	Shallow Water Area for Wildlife
CP12	Wildlife Food Plot
CP21	Filter Strip
CP22	Riparian Buffer
CP23	Wetland Restoration (Floodplain)
CP25	Rare/Declining Habitat

- Outside of the floodplain of the Illinois or Kaskaskia Rivers located within the CREP watersheds (Figure 1) and is determined by Natural Resources Conservation Service (NRCS) to be either a farmed wetland, a prior converted wetland or a wetland farmed under natural conditions.

### **Practices qualifying as a Wetland Outside the 100-Year Floodplain**

<b><u>Practice Code</u></b>	<b><u>Name</u></b>
CP23A	Wetland Restoration (Non-floodplain)

- Highly Erodible Riparian areas, which for this purpose shall be defined to be cropland that:
  - Has a weighted average Erodibility Index (EI) of 8 or greater as determined by FSA and is immediately adjacent to a riparian area within the 100-year floodplain.

**Practices with an EI > 8 and  
Adjacent to Floodplain CREP Practice**

<b><u>Practice Code</u></b>	<b><u>Name</u></b>
CP2	Native Grasses
CP3A	Hardwood Tree Planting
CP4D	Wildlife Habitat
CP12	Food Plot
CP25	Rare/Declining Habitat

- A minimum of 3 acres, per CRP-1, is required.
- All the land enrolled in a Federal CREP contract after May 26, 2021, must also be enrolled in an Easement with the State of Illinois.
  - **Important:** The Easement must be executed within 18 months of CRP-1 approval. FSA may provide an extension on a case-by-case basis. If the Easement is not executed within 18-months of CRP-1 approval and an FSA has not authorized an extension, FSA will terminate the contract. Refunds to FSA will be required.

**For more information on Federal eligibility requirements please contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app>) or reference the USDA - FSA Agricultural Resource Conservation Program manual (2-CRP), as well as the Illinois Amendments (<https://www.fsa.usda.gov/programs-and-services/laws-and-regulations/handbooks/index>).**



### **Illinois CREP (State-Side) Eligible Land Criteria**

- All acreage included in a new Federal CREP contract must enroll into an IL CREP Grant of Conservation Right and Easement (Easement) agreement.
- Additional acreage may be added to the Easement, at the discretion of IDNR.  
Additional acres must meet the following criteria:
  - Must be immediately contiguous to land currently enrolled in Federal CREP (may be located immediately across a road, stream, or river)
  - Must be in acceptable cover, as determined by IDNR, or will be upgraded to acceptable cover within one year, at the landowner's expense
  - Enhance the ecological benefits of the Federal CREP acres being offered
  - Meet the water quality, fish or wildlife goals of IL CREP.
  - Located within the same "Farm" as defined by FSA.
  - Water acreage shall not exceed 10% of the total acreage of the easement offer.
- Acres currently encumbered by a conservation-related easement or property right, other than Federal CREP or Federal CRP contracts or IL CREP Easement, are not eligible for enrollment in IL CREP.
- IDNR may, at its discretion, extend the environmental and conservation benefits of the IL CREP Easement by renewing an existing 15-year or 35-year IL CREP Easement, with no current violations, into a new IL CREP Easement for an additional 15 years or into perpetuity.
- Acres are not eligible for IL CREP if enrolling that acreage would result in payments of greater than \$500,000 or 5% of available IL CREP funds, whichever is less, for any given State of Illinois fiscal year to an individual, or consortium of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment.
- Detailed rules pertaining to acreage eligibility and enrollment into IL CREP can be found at [17 Ill Adm. Code 1515](#).

### **Farm Service Agency (FSA) Responsibilities**

- Determine producer eligibility for Federal CREP.
- Determine land eligibility and identify soil types for calculating payment rates on Federal CREP acres.
- Administer all approved Federal CREP contracts.
- Distribute annual payments on the acreage enrolled in the Federal CREP contract.
- Pay 50% of the reimbursable costs of eligible conservation practices established.

### **Natural Resources Conservation Service (NRCS) Responsibilities**

- Participate in State-level technical determinations and policy reviews for Federal CREP contracts.
- Determine eligibility for conservation practices.
- Develop and approve conservation plans for eligible Federal CREP lands.
- Assist participants to ensure that practice specifications are met.
- Provide FSA with:
  - Final eligibility determinations
  - Completed CRP-2C
  - Certification of practice completion.
  - 10% spot check status review of Federal CREP contracts.

### **Illinois Department of Natural Resources (IDNR) Responsibilities**

- Administer the fiscal portion of the Stateside IL CREP program.
- Develop the conservation management plans on IL CREP easements.
- Provide technical assistance for conservation management plans on IL CREP easements
- Develop and implement an annual monitoring program designed to evaluate the overall success of the program in meeting its objectives.
- Prepare an annual report to FSA which includes:
  - Level of program participation.
  - Results of the annual monitoring program.
  - Summary of non-Federal CREP program expenditures.
- Establish a Technical Review Team to:
  - Review and assess each completed offered easement.
  - Identify and consider critical issues for conservation value.
  - Conduct a final review of an offered easement, and (1) determine approval or disapproval (2) make changes to offer if needed (3) work with the Soil and Water Conservation District throughout the approval process.



### **Soil and Water Conservation District (SWCD) Responsibilities**

- Provide information, to interested landowners, on the CREP program and the process for applying for an IL CREP conservation easement.
- Complete the *IL CREP Enrollment Form* and submit all required documentation.
- Execute the application process for approved IL CREP enrollments, including coordination of land boundary surveys, resolution of legal issues, and execution of IL CREP Easements and other required documents
- Record IL CREP Easements and any other required documents, as necessary.
- Prepare and submit *IL CREP SWCD Invoice* and appropriate backup documentation to DNR.CREP@Illinois.gov for landowner payments, cost-share payments to landowners, and all associated approved invoices for reimbursement of costs and payment of services rendered by the SWCD.
- Verify ownership and conduct an aerial photography review on all IL CREP easements enrolled by the SWCD prior to December 31 each year.
- If applicable, complete the *Baseline Data Report* on the acreage being offered into an IL CREP Easement before easement execution and submit the completed report to IDNR.
- If applicable, monitor IL CREP Easements conditions at least once every three years and submit all Monitoring Reports to IDNR by December 31 each year.

## Part II. Creating Illinois CREP Applications

County SWCD offices administer the State enrollment of IL CREP when the Federal contract has been approved by FSA. Landowners with crop acres enrolled in the Federal side of CREP are eligible to apply to extend the Federal CREP contract with an IL CREP Easement through their local SWCD office.

The SWCD shall 1) discuss the IL CREP Easement options with the landowner; 2) explain the terms of the IL CREP Easement, including the requirement to have any mortgage released or subordinated, and 3) calculate an estimated payment. Once the landowner has committed to entering into an IL CREP Easement, the property deed for each offered parcel, along with the most recent County Tax Bill, is necessary to apply. It is also necessary to establish a legal ingress and egress route to the Easement.

All necessary forms and help documents needed for the enrollment process will be located on the SWCD CREP Documents webpage at:

<https://www2.illinois.gov/dnr/conservation/CREP/Pages/8675309swcddocs.aspx>.

### State Easement Options

The State Easement options are 1) a permanent IL CREP Easement; or 2) a 15-year IL CREP Easement, with the option to renew. All easements are recorded at the local county courthouse and stay with the land for the length of the easement regardless of ownership. Property placed under an easement loses its cropping status for USDA conservation programs.

#### Permanent Easement

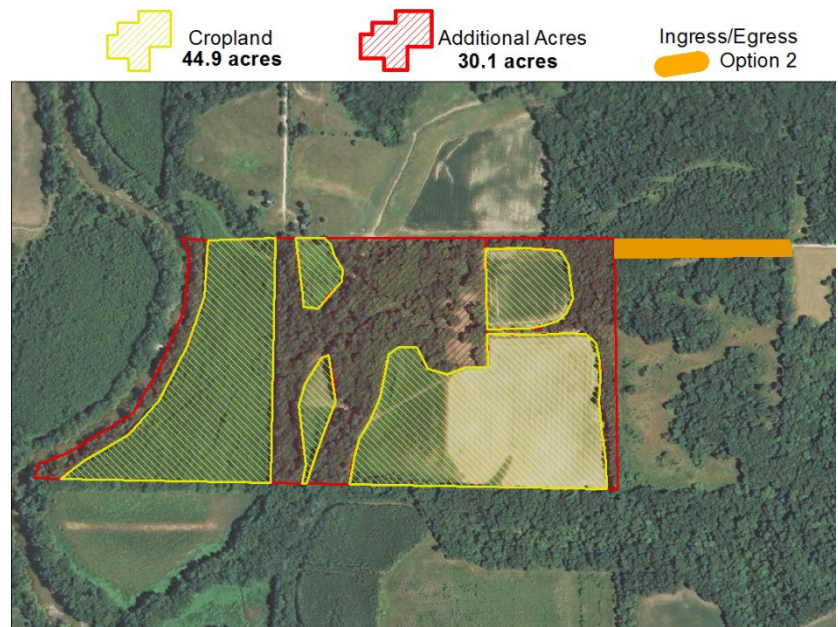
This option is perpetual, and due to its permanent nature, the payment per acre is the highest for this option.

#### 15-Year Easement

The 15-year easement allows the landowner to extend an existing Federal contract beyond its initial term. A 15-year Federal CREP contract with a 15-year easement would provide 30 years of conservation.

#### Easement Renewals

All non-permanent easements have the option to extend their easement with an additional 15-year or permanent easement within the last 2 years of the initial easement term. The renewal



*Additional Acres are an option for all **new** permanent and 15-year easements to fill in the matrix of woodlands, wetlands, and grasslands between CREP fields.*

easement payment will be the same as the new 15-year or permanent easement options. Additional Acres cannot be added to this easement option.

### Easement Conversion to a Permanent Easement

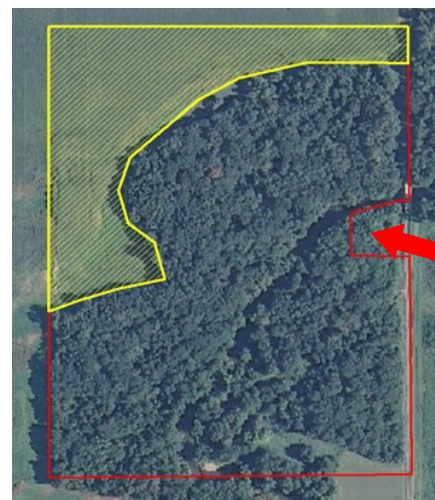
All non-permanent easements have the option to convert to a permanent easement while CREP is open to enrollment. The conversion to a permanent easement will subtract the initial lump sum payment provided for the initial easement. Additional Acres cannot be added to this easement option.

### Additional Acres

Non-cropped acreage or acreage in another CRP sign-up may be offered for **new** easements (15-year or permanent) at the same time the cropped acreage in the Federal side of CREP is offered for a CREP Easement. Easement Renewals or Conversions are NOT eligible for Additional Acres.

The landowner may offer Additional Acres if they meet the eligibility criteria as described in the IL CREP Eligible Land Criteria:

- **Additional acres must meet the following criteria:**
  - Must be **immediately contiguous** to land currently enrolled in Federal CREP (may be located immediately across a road, stream, or river)
  - Must be in acceptable cover, as determined by IDNR, or will be upgraded to acceptable cover within one year, at the landowner's expense
  - Enhance the ecological benefits of the Federal CREP acres being offered
  - Meet the water quality, fish or wildlife goals of IL CREP.
  - Located within the same "Farm" as defined by FSA.
  - Water acreage shall not exceed 10% of the total acreage of the easement offer.



*Example of exception for future home site.*

Approval for Additional Acres, regardless of acreage amount, will be at IDNR's discretion. IDNR will review all easement enrollments offering Additional Acres and will coordinate site inspections. Approval of Additional Acres will be determined during the Technical Review Team process.

SWCD personnel must discuss the possibilities of excluding areas that are not consistent with the terms of the Easement (e.g., an existing residence) or future development potential. These excluded areas should be located on the perimeter of the CREP Easement. Exclusions must be identified prior to the approval of enrollment.

### Terms of the IL CREP Easement

The *IL CREP Grant of Conservation Right and Easement (Easement)* is the legal document containing all terms of the agreement for the landowner and IDNR. This will be the primary reference to all involved parties for the term of the easement. The appropriate *Easement* template must be part of the conversation between the SWCD and landowner prior to

initiating an enrollment process.

In general, the terms of each option allow landowners to continue current practices, including forest and wildlife management; hunting and other recreation; maintenance of roads, waterways, and drainage ditches; and other less intensive uses consistent with the conservation purpose of the easement. Landowners who choose an easement give up the rights to agricultural production, commercial and industrial activity, residential development, surface mining, and other intensive uses on the CREP Easement.

The IL CREP Easement is tied to the land, so if a landowner sells the land, the Easement is still in place, and the new landowner must abide by the terms in the Easement document. The Easement is also recorded with the local county recorder's office. When a landowner is looking to buy a property, the Easement will show up on title work. There is no buyback or buy-out option for CREP Easements.

### **Calculating Estimated Payments**

Payment rates differ based upon the term of the Easement and the site-specific weighted soil rental rate for the acres to be enrolled. The weighted average soil rental rate will be calculated at the time of the preliminary easement agreement as the weighted average of the individual Federal CRP soil rental rates associated with the three predominate soil map units within the proposed easement acreage, on a per-acre basis, exclusive of any Federal CREP/CRP incentive payments. IL CREP payments are one-time lump sum payments, payable at easement closing.

#### **Permanent Easement Payment Formula**

$$\begin{aligned} & \# \text{ Acres} \times \text{weighted average soil rental rate} \times 30 \text{ years} \times 15\% \\ & = \quad \textbf{Permanent Easement Payment} \end{aligned}$$

#### **15-Year Easement Payment Formula**

$$\begin{aligned} & \# \text{ Acres} \times \text{weighted average soil rental rate} \times 15 \text{ years} \times 25\% \\ & = \quad \textbf{15-Year Easement Payment} \end{aligned}$$

#### **Easement Conversions**

For those landowners who wish to convert their existing IL CREP Easement from a non-permanent easement to a permanent easement, the payment to the landowner will be as follows

#### **Permanent Easement Payment Formula subtracting the lump sum payment received on the initial CREP easement**

$$\begin{aligned} & \# \text{ Acres} \times \text{Weighted Soil Rental Rate} \times 30 \text{ years} \times 15\% - \text{lump sum payment received} \\ & \quad \text{for original CREP easement} \\ & = \quad \textbf{Permanent Easement Extension Payment} \end{aligned}$$

### Soil Rental Rate Calculation

As illustrated in the payment formulas above, applications for an easement may use up to the three most predominant weighted soil rental rates within the **entire** proposed easement. Weighted soil rental rates must be calculated and submitted as part of the IDNR's application process using the *IL CREP Application*.

The weighted soil rental for the entire easement will be determined using NRCS's Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov>). The Web Soil Survey help document on the [SWCD CREP Document](#) website provides detailed instructions for using the Web Soil Survey site.

Once the soil types have been determined, the SWCD will reference the Soil Rental Rate sheets, specific to the property county, posted in the FSA county office, to determine the current rate (please ensure Soil Rental Rate sheet is submitted with the application for each soil type identified). The *IL CREP Application* will be used to determine the average Soil Rental Rate to be used in the payment formulas.

### Wildlife Food Plot Guidance

One of the most common questions during the application phase is about wildlife food plots on CREP Easement acres. Wildlife food plots are allowed on CREP Easements, please visit the [CREP Food Plot Request and Guidelines](#) on the CREP website for more information on food plot guidance.

### Property Deed and Ownership Verification

It is the SWCD's responsibility to verify ownership of the property. To verify, the SWCD must confirm the property offered for enrollment matches with the property on the landowner's deed. All property and property landowners for the offered IL CREP easement must be on the deed. Once the property deed(s) has been obtained, they will be submitted to IDNR as part of the application process. The landowner must provide the most recent tax bill(s) for each parcel being offered into CREP.

### Ingress/Egress or Access

The SWCD must identify the legal route of access (ingress and egress) to the offered easement and determine ownership of the property where the route of access is located. If there are alternate legal routes of access, the SWCD can submit more than one potential access route.

The SWCD must also determine whether there is an existing legal description for the route of access at the time of enrollment. This may be as specific as an existing road or as broad as a quarter-quarter section of land. It is important to remember, ingress/egress routes, including public roads are not included in the easement acres. Easement acres are permitted to be located on either side of a public road, however, that road should not be included in the easement.

There are 3 different options the SWCD may encounter when identifying the route of access with the landowner. Ingress and egress must be identified at the time of application and



included in the map submitted as part of the *IL CREP Application*.

*Option 1 – Direct Access from Public Road*

There is direct access to the CREP property via a public road. No further action is necessary to obtain legal ingress and egress.

*Option 2 – Must Cross Another Portion of Landowner's Property to Access CREP Acres*

There is direct access to the CREP landowner's property via a public road, but the SWCD or IDNR must first cross a part of the landowner's property not enrolled in CREP to access the part that is. The map submitted with the *CREP Enrollment Form* must clearly identify this ingress/egress route.

*Option 3 – Must Cross Adjoining Landowner's Property to Access CREP Acres*

When there is no direct access to the CREP landowner's property or via a public road, and the SWCD or IDNR must cross an adjoining landowner's property in order to access the CREP property, a *Letter of Commitment to Grant Ingress/Egress* must be obtained.

The *Grant of Easement for Ingress/Egress* will later be signed by the adjoining landowner and the IDNR and recorded. This document provides access to the SWCD and IDNR for the purpose of monitoring the CREP Easement. The map submitted in the *IL CREP Application* must clearly identify the ingress/egress.



### **Mapping Guidelines**

Several maps will be submitted to IDNR with the *IL CREP Application*. Some will be acquired from outside sources, but the *Enrollment Aerial Map* indicated the CREP boundaries and will be created by the SWCD. This map can be created using ArcGIS, Google Earth or be hand-drafted from FSA source maps.

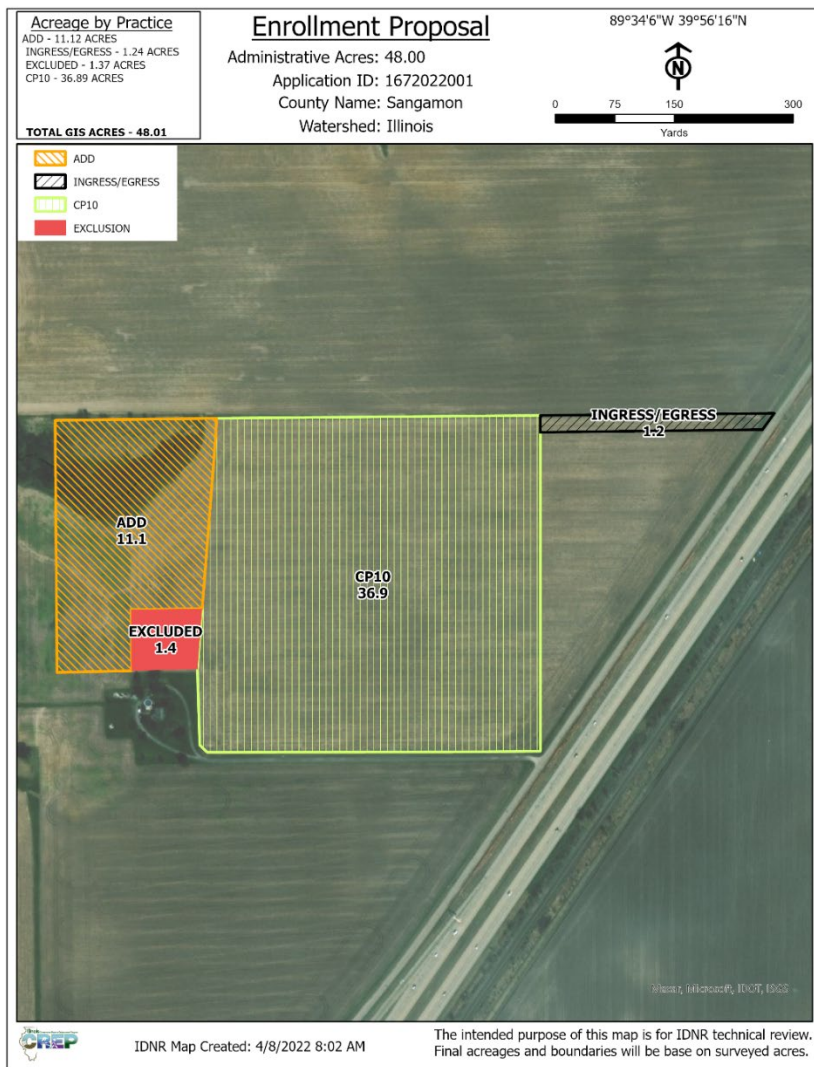
### **Enrollment Aerial Map**

This map serves as a visual guide to tell the story of the CREP offer and must clearly indicate all the basic information about the offer, as well as any supporting information that would assist IDNR staff in the review process.

### **Essential Map Elements Include:**

*Title, Orientation (if not north by default), Date Created, Author/Agency, Practice Type, Practice Acres per field, Aerial Imagery, Ingress/Egress Options, Legend, Total Acres Offered.*

*\*Label any exclusions or other noteworthy anomalies directly on the map.*



### FSA Farm Map

The *FSA Farm Map* must be scanned to IDNR in color and be legible when copied in black and white. It will indicate the Program Year, Tract, and have a legend to explain the map. Field Numbers will be labeled here and are often used as a reference during phone conversations with IDNR staff and SWCD Staff.

### Essential Map Elements Include:

*Program Year, Tract, Field Numbers & Legend.*

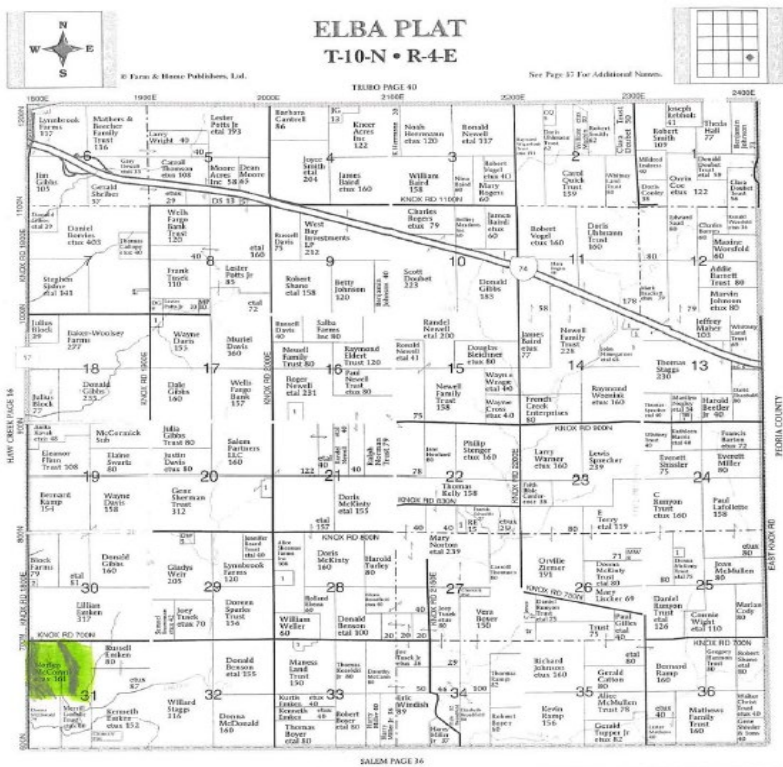


### Plat Map

Using a County Plat Book, scan the page(s) where the CREP enrollment is located, indicate the location of the enrollment boundary using a highlighting tool, or simply use a bright colored highlighter for the boundary.

### Essential Map Elements Include:

*Landowner Name, County, Township, Range & Section.*



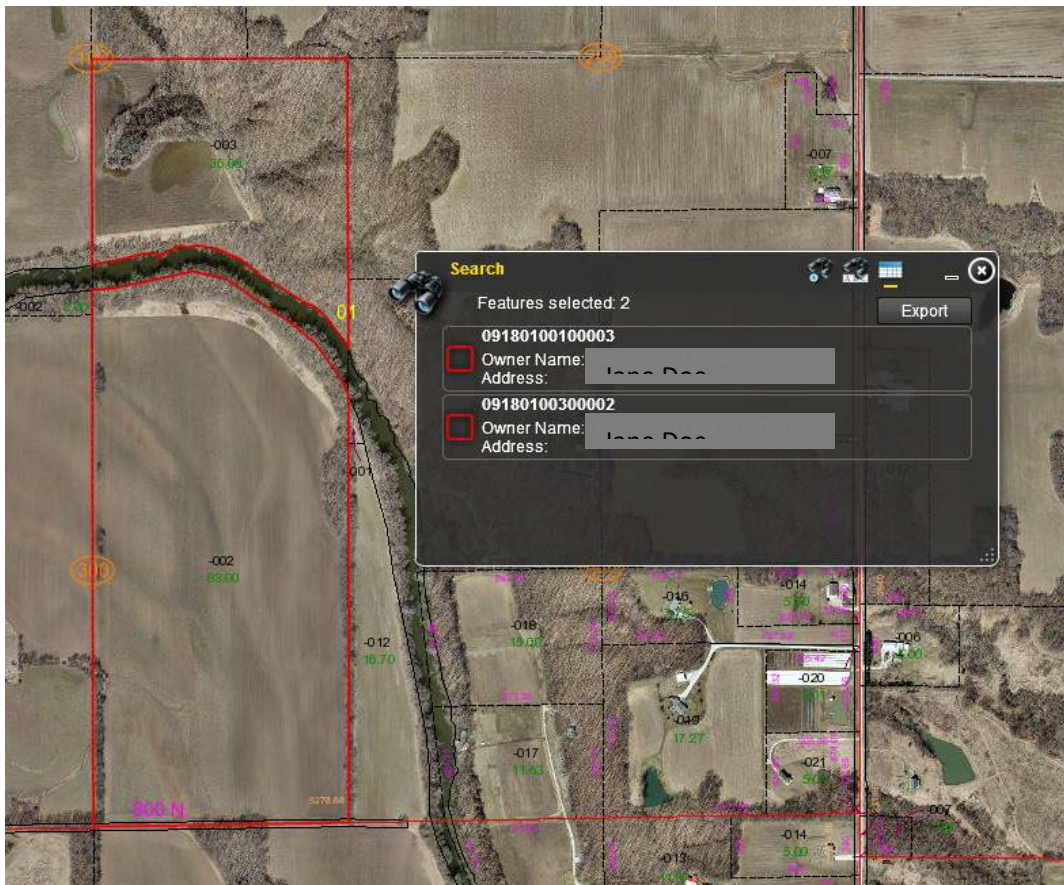


### Tax Parcel Map

*Tax Parcel* maps are available from the County Tax Assessor's office. Many counties have online mapping tools that allow to search by parcel ID # or by landowner name. The map that is submitted to IDNR must have all of the parcel ID numbers shown for any of the tax bills submitted with the *IL CREP Application* (must account for all of the property being offered for CREP). If possible, label any adjacent property that is owned by the same landowner. If online map tools are unavailable, or if there is difficulty obtaining these maps from the County Tax Assessor, please contact [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).

### Essential Map Elements Include:

*Parcel ID Numbers (PINs) for all parcels that overlap the easement & Landowner Name.*



### Part III. Submitting the Illinois CREP Application

To begin the project enrollment process, the SWCD must submit the *IL CREP Application* to DNR.CREP@Illinois.gov along with all required associated documents to IDNR. The SWCD will use the *Illinois CREP Easement Offer Document Checklist* to ensure all necessary documents are submitted. Required documents include:

- Approved CRP-1 (with Social Security Number and/or FEIN redacted, if needed)
- CRP-2C
- Conservation Schedule Plan of Operations (CPO)
- CRP Conservation Practice (CP) Data (if available):
  - Seeding/Planting Lists
  - NRCS Job Sheets and/or Implementation Requirement (IR) Sheets
  - NRCS Engineering Plans/Designs w/supporting documentation (for all CP practices requiring engineering)
  - NRCS cultural resource review
- Deed to each parcel being offered.
- Most recent tax bill for each parcel.
- Letter of Commitment to Grant Ingress/Egress, if applicable.
- Power of Attorney, if applicable.
- Soil Rental Rate sheet (as posted in FSA county office) and Web Soil Survey map used for Soil Rental Rate calculation.
- Maps:
  - *FSA Map*
  - *Plat Map*
  - *Tax Parcel Map*
  - *Enrollment Aerial Map* depicting the Federal CREP acres, additional acres, and legal route of access.

### IL CREP Application

The SWCD can access the *IL CREP Application*, an Excel spreadsheet, on the [SWCD CREP Documents](#) website. To avoid errors and to ensure the SWCD is using the newest version, a new enrollment form must be downloaded for every new landowner. The SWCD will enter the information, in the green boxes, for the parcel, landowner, Federal CREP contract, cost share, additional acres, Soil Rental Rates, and easement term on appropriate tabs in the spreadsheet. For more detailed instructions visit Appendix A.

#### Illinois CREP Application

##### LANDOWNER AND PARCEL INFORMATION

###### Step 1. Enter the parcel location details

\*Select the Revision box if this is a revision to a previously submitted enrollment application

Date	<input type="text"/>	<input type="checkbox"/> REVISION
Property Location County	<input type="text"/>	SWCD County <input type="text"/>
Township #	<input type="text"/>	Range # <input type="text"/> Section <input type="text"/>
Watershed (select one)	<input type="text"/>	
Ingress/Egress (select one)	<input type="text"/>	
Ingress/Egress Description	<input type="text"/>	
Directions to Parcel*	<input type="text"/>	

\*Please provide step by step directions to the parcel from the nearest town.

###### Step 2. Enter the landowner details

Primary Landowner	
Last Name	<input type="text"/>
First Name	<input type="text"/>
Entity	<input type="text"/>
Address	<input type="text"/>
City, State, Zip	<input type="text"/>
Phone 1	<input type="text"/>
Phone 2	<input type="text"/>
Email	<input type="text"/>
Secondary Landowner	
Last Name	<input type="text"/>
First Name	<input type="text"/>
Entity	<input type="text"/>
Address	<input type="text"/>
City, State, Zip	<input type="text"/>
Phone 1	<input type="text"/>
Phone 2	<input type="text"/>
Email	<input type="text"/>
Comments	<input type="text"/>

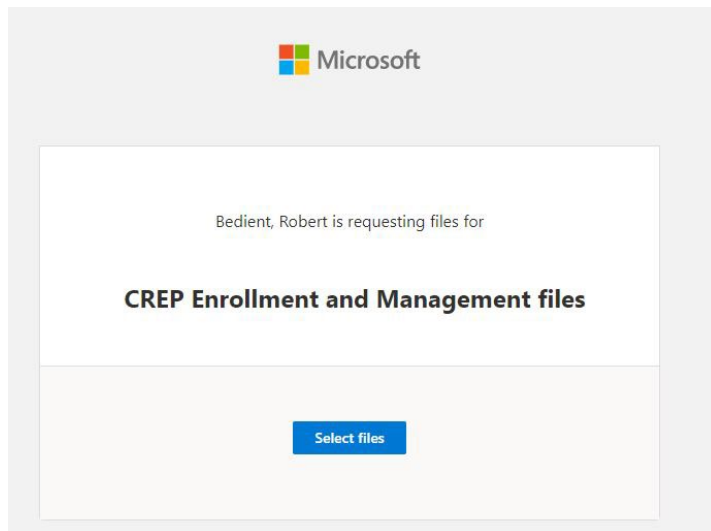
\*Enter any important information in the comments box.

Enter additional landowners on the "Additional Landowners" tab

Please proceed to the Federal Side tab

The SWCD will submit the *IL CREP Application*, and all required documents, using Microsoft OneDrive. When using OneDrive:

- Create a zip file for adding your *IL CREP Application* and documents.
  - Right click on your desktop and click “New”, select “Compressed (zipped) Folder”.
  - Place all documents for the application in the zipped folder.
- Visit the [SWCD CREP Documents](#) website and click on the “OneDrive Document Sharing” link on the top of the page.
- Click “Select Files”.
- Select the compressed folder or add files individually.
- Enter your name, if not already populated.
- Click “Upload”.
- Once your file(s) have been uploaded you will see a popup verifying the documents were submitted successfully.
- The SWCD will send an email to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov) informing IDNR that a file or application has been submitted.
- IDNR will provide an email to the SWCD verifying the receipt of the application.



Submit only completed application forms with all required documents. Incomplete applications and those without all documents will be delayed until able to be completed. If the SWCD discovers an error was made or needs to send additional information, the SWCD should send an e-mail to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov) to explain the error or provide additional information. The *IL CREP Application* must be identified with the SWCD's county name and landowner's last name.

### **CREP Easement Offer Review**

After the *IL CREP Application* has been submitted, it goes through a preliminary review by IDNR to confirm all necessary documents have been completed and submitted by the SWCD.

Upon approval, IDNR will send via email the *Easement Offer Application Review*, a checklist verifying the documents received and assign an application number that will be used to track the application throughout the process.

## **Part IV. State CREP Technical Review**

Each enrollment will go through a technical review which is completed by the IDNR Technical Review Team (TRT). The TRT team is comprised of IDNR representatives from the Division of Natural Heritage, the Division of Wildlife Resources, the Division of Forestry Resources, and the Division of Private Lands and Watersheds.

### **Initial Technical Review (TRT I)**

During the initial technical review, the TRT may 1) approve proceeding with the offered easement, 2) suggest changes to communicate to the landowner via each respective SWCD, or 3) not approve the offered easement. The TRT considers the parcel's natural characteristics including, but not limited to, the natural attributes and location of the parcel within the targeted watershed or demonstrated conservation value toward attaining the goals of the CREP program. The offered easement must also have legal access for future easement monitoring.

### **On-Site Review and Baseline Conservation Management Plan**

Upon the TRT I approval to proceed, IDNR will schedule a field review for the proposed easement. The field review shall document current field conditions of the property, such as the presence of permanent structures and other land uses or conditions.

### **Final Technical Review (TRT II)**

The TRT II discusses the Easement offer and any new information obtained during the field review. The TRT may 1) approve proceeding with the offered easement, 2) suggest changes to the landowner via the SWCD, or 3) not approve the offered easement. Upon approval of the offered easement acreage, the SWCD will be notified of the approval. If the offered easement is not approved, IDNR staff will communicate suggested changes to the respective SWCD. The landowner may accept these changes, withdraw from the process, or propose a third option for the TRT to consider.

### **IDNR Illinois CREP Easement Approval**

Upon final approval of the enrollment application, IDNR will provide the SWCD with an aerial map depicting the final agreed-upon boundaries of the easement. If there was a change in acreage from the original application, the SWCD must submit a new application using the new acreage.

IDNR will provide the SWCD with a preliminary easement document containing the preliminary conservation management plan, and a map with the agreed-upon boundaries of the easement. The SWCD will provide these documents to the landowner for their review.

### **Easement Acceptance Notice and Affidavit of Ownership**

Once the landowner has approved the preliminary easement document, preliminary conservation management plan, and map, the SWCD must obtain a signed and notarized *Easement Acceptance Notice and Affidavit of Ownership* to proceed. All landowners on all deeds for the property must sign the *Easement Acceptance Notice and Affidavit of Ownership*.



The *Easement Acceptance Notice* must be signed, notarized, and submitted to IDNR to indicate the landowner understands their responsibilities during the enrollment process. In addition, it allows the SWCD and IDNR to verify the owner has a clear title to the property and certifies that there are no structures (cabins, buildings, etc.), abandoned wells, dumpsites, landfills, abandoned equipment, or other items of concern.

The *Affidavit of Ownership* is a sworn statement of fact that specifies the owner, seller, or grantor of rights to a property and holds the title to it, and that the person or entity owns the property. The affidavit also attests that as of the date signed, no defect of title exists except those that have been disclosed, facts about the property are correct as sworn to by the seller, and duly notarized.

The SWCD will forward a digital version of both documents to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).

#### *IL CREP Withdrawal Form*

The *IL CREP Withdrawal Form* is submitted when a landowner has withdrawn their application to enroll their property into IL CREP.

If the Landowner cancels or withdraws from the IL CREP enrollment process after signing the *Easement Acceptance Notice*, but prior to the closing on the IL CREP Easement, the Landowner shall be required to pay costs incurred by the SWCD and IDNR after the date of approval. These costs include: administrative costs for meetings and field visits; costs associated with completing IL CREP documents and executing the IL CREP Grant of Conservation Right and Easement Agreement; attorney fees; survey expenses; title work; and other costs. IDNR will send written notice to the Landowner requesting payment with a summary of the costs incurred from the written approval date through the date of cancellation or withdrawal.

IDNR will notify FSA within five business days of the easement withdrawal. FSA will terminate the Federal CREP contract and refunds to FSA will be required.

## Part V. State CREP Easement Process

### **Memorandum #1 – IL CREP Application Approval & Legal Review A**

#### **Memo #1 Checklist for SWCD**

*Necessary Documents to Proceed to Memo #2*

- ☐ Mortgage subordination (if applicable)
- ☐ Signed *Legal Review A*
- ☐ *SWCD CREP Invoice*

Memorandum #1 will be emailed to the SWCD upon approval of the easement offer by IDNR and the landowner. IDNR will be responsible for ordering the *Commitment for Title Policy*. At this point the SWCD is required to retain an independent real estate attorney to resolve any title and legal matters.

The SWCD will receive the documents listed below from IDNR:

- Memorandum #1
- Mortgage Subordination Template
- Title Commitment
  - All recorded documents for each Schedule B exception.
- *Legal Review A*
- *CREP Legal Requirements*
- Easement Map, with required annotations.
- IL CREP *Grant of Conservation Right and Easement* Template

#### **Mortgages and Lien Subordination**

IDNR will notify the SWCD of any mortgages or liens on the title commitment that require action for the application process to move forward. Mortgages and other liens must be released or subordinated prior to the granting of the CREP Easement. A recorded release by the lienholder must be provided. Additionally, the potential for an unresolved mortgage to terminate the application process may exist, therefore, a letter of commitment to release or subordinate the mortgage must be obtained as early in the process as possible to prevent unnecessary expenditures. A foreclosure or lien will terminate the CREP Easement enrollment process.

The SWCD will draft the mortgage subordination using the IDNR's mortgage subordination template, or an approved alternative reviewed by the SWCD's real estate attorney. It is the role of the SWCD to facilitate the discussion between the mortgage holder and the landowner, including finding the correct contact at the lending institution, explaining the CREP Easement, and providing appropriate documentation about the CREP Easement.

The mortgage subordination agreement obtained by the SWCD must be 1) signed by an authorized officer of the lending institution, 2) notarized by an employee of the lending institution, and 3) reviewed by the SWCD real estate attorney. Exhibit A of the mortgage subordination agreement will specify a legal description that includes the surveyor's description of the CREP boundary. The subordination agreement is required to be recorded,

along with other required documents at the time of closing, with the appropriate County Recorder's Office.

Lending institutions require a legal description specifically describing the CREP boundary. A written commitment letter from the bank to sign the subordination once the survey has been completed is acceptable. It is imperative that the bank agree to subordinate the mortgage on CREP Easement acreage before the SWCD completes a survey for the CREP Easement.

#### *CREP Legal Requirements*

*CREP Legal Requirements* details the attorney's responsibilities. The attorney will provide direction and assistance in resolving title commitment Schedule B exceptions. Title issues of concern may include old oil and gas leases, undiscovered mortgages, utility and pipeline easements, railroad easements, access easements, covenants, or other encumbrances. If these cannot be resolved, the attorney will provide a brief analysis of title exceptions of concern to IDNR via the SWCD.

The attorney may coordinate the conversation with the title company, but it is likely the SWCD will need to communicate and coordinate with both parties and IDNR to ensure title and legal issues are thoroughly and efficiently addressed. The SWCD will provide IDNR documentation referencing an intention to waive or otherwise address the highlighted title exceptions on the final title insurance policy.

#### *Legal Review A – Title Commitment*

*Legal Review A* and *CREP Legal Review Guidance* will be sent to the SWCD as supplements to *Memorandum #1*. This form is necessary to ensure the attorney has reviewed the project according to the scope of issues summarized in the *CREP Legal Review Guidance* document. After the attorney has reviewed the proposed easement project, including title matters, the SWCD will submit the attorney's signed *Legal Review A* to DNR.CREP@Illinois.gov. In rare cases, certain title and legal matters may suspend the enrollment process at this stage.

#### *Payment of SWCD Administrative Fee*

Upon completion of the application submission, review of all documents, an agreement by lending institutions to subordinate any open mortgages on the property, and a legal review of the schedule B exceptions with associated documents of the *Commitment for Title Insurance*, the SWCD may submit the current version of the *SWCD CREP Invoice* for reimbursement of associated fees and the SWCD Administrative Fee of \$100 for all work associated with submission of the application. IDNR will pay this fee regardless of application acceptance or denial.

## **Memorandum #2 –Notice to Order Survey**

### **Memo #2 Checklist for SWCD**

*Necessary Documents to Proceed to Memo #3*

- ☐ Plat of Survey (in PDF format)
- ☐ Digital plat of survey (in .DWG or geospatial shapefile format)
- ☐ Legal Description (in PDF format)
- ☐ Updated survey files (if applicable)
- ☐ Revised *IL CREP Application*
- ☐ *SWCD CREP Invoice*

*Memorandum #2* will be emailed to the SWCD, upon receipt of the attorney's signed *Legal Review A* from the SWCD.

The SWCD will receive the documents listed below from IDNR:

- Memorandum #2
- *Boundary Survey Requirements for Illinois CREP*
- *GIS Shapefile and KMZ file*

### **Boundary Survey**

At this point, the SWCD may award a contract to a surveyor following SWCD procurement guidelines, provided the cost of the survey does not exceed \$5,000. If a surveyor indicates a cost beyond this threshold, the SWCD must solicit bids from a total of three (3) surveyors and receive approval from IDNR before ordering the survey. The SWCD will provide the surveyor with the IDNR provided GIS shapefile, KMZ file, and the aerial map of the intended boundary.

All surveyors submitting bids for CREP survey work must follow the guidelines provided in the *Boundary Survey Requirements for Illinois CREP* to. It is recommended that the SWCD and landowner review the CREP survey in the field with the surveyor. Exclusionary surveys that do not include an easement boundary are not acceptable. Surveys must not be recorded until the survey has been reviewed and approved by IDNR. Payments will only be disbursed on surveys that meet the boundary survey requirements.

The SWCD will submit all digital files to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov). These files must include 1) plat of survey in PDF format, 2) legal description in PDF format, and 3) geospatial files in shapefile format. (Shapefiles must include .shp, .shx, .dbf, and .prj files to be correctly projected in GIS). If a shapefile does not exist, AutoCAD format (most commonly with a .dwg extension) is also acceptable. The State Plane coordinate system is preferred. If the file is not in the State Plane coordinate system, the coordinate system must be specified to IDNR.

### **Survey Updates**

IDNR will review the survey for the required information and approval. Updates may be necessary, IDNR will notify the SWCD of the required changes. Surveyor updates must be sent to IDNR for additional review. The final approved survey will be recorded with the appropriate County Recorder's Office as Exhibit C of the Grant of Conservation Right and Easement.

*Revised Enrollment Form*

Once the survey is approved by IDNR, a revised *IL CREP Application* is required using the surveyed acres. The SWCD will forward the revised enrollment form to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).

*Payment of SWCD Administrative Fee*

Upon satisfactory completion of the survey and submission of the plat of survey, geospatial files, written legal description, any updated survey file(s) that may be required, and a revised *IL CREP Application*, the SWCD may submit the *SWCD CREP Invoice* for reimbursement of associated fees and the SWCD Administrative Fee of \$400.00.

### **Memorandum #3 – Easement Preparation**

#### **Memo #3 Checklist for SWCD**

*Necessary Documents to Proceed to Memo #4*

- ☐ Easement draft with *Exhibits A, B, C, and D*
- ☐ Mortgage Subordination Completion (if applicable)

Memorandum #3 will be emailed to the SWCD upon final approval of the survey.

The SWCD will receive the documents listed below from IDNR:

- Memorandum #3
- *Grant of Conservation Right and Easement* template
- Exhibit B map
- Mortgage Subordination template, if applicable.

#### **Preparation of the Mortgage Subordination Document**

The SWCD will prepare the Mortgage Subordination document using the IDNR provided template. Exhibit A (Legal Description) of the document will be a text version of the surveyor's description of the easement boundary. An officer of the lending institution, having previously agreed to subordinate the open mortgage, and the landowner will sign the document. The official must be an officer of the lending institution, a Vice-President or above with signature authority, and have their signature notarized. The prepared document will be reviewed by the SWCD attorney, in Legal Review B and the Office of the Attorney General. This document will be included with the closing package forwarded to the title company and will be recorded with all other closing documents.

#### **Instructions for Preparing the IL CREP Easement Document**

The SWCD will prepare a draft of the *Grant of Conservation Right and Easement* using the appropriate landowner easement template, and following the instructions listed below:

1. The SWCD must complete all blanks within the easement document template.
2. The name of the landowner, throughout the document, must appear as it does on all deeds to property being accepted for the *Grant of Conservation Right and Easement*.
3. Enter the amount of the approved landowner lump sum payment on page 2, in the paragraph which reads as follows: "NOW THEREFORE". It is important to note that cost share payments are not included in the lump sum payment amount.
4. In cases where all required signatures will not fit on a single page, additional pages may be used. Ensure that all required information; signature line, date line, and notary section for each signatory, are included on the signature page.
5. The grantor may be an entity other than the landowner, such as a trust, corporation, Limited Liability Company, limited partnership, life estate, or other entity. In those cases, IDNR will provide the appropriate template.



## Preparation of Easement Document Exhibits

### Easement Exhibit A

*Exhibit A* is a text file of the surveyor's legal description for the CREP Easement and ingress/egress routes. Place an "*Exhibit A*" heading at the top of the document. The exhibit must reference the Property Tax ID Number (PIN) and recording information of the survey.

### Easement Exhibit B

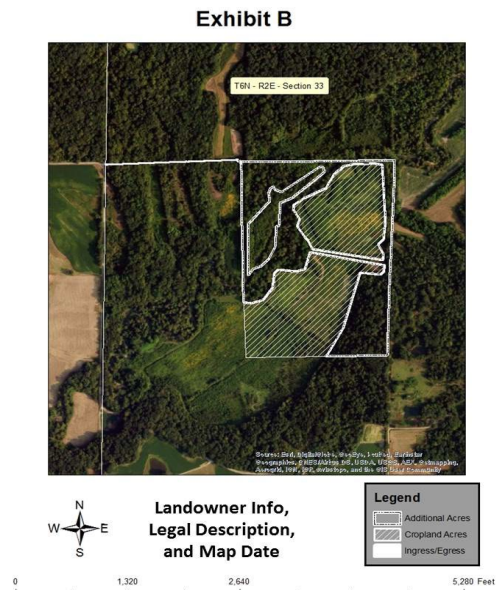
*Exhibit B* is a map, provided by IDNR, of the CREP easement boundary and access routes. Place an "*Exhibit B*" heading at the top of the document. Prepare the map so that it can be interpreted in black and white. The map will include a legend to identify CREP Easement boundaries, ingress/egress route, and section boundaries along with date created.

### Easement Exhibit C

*Exhibit C* is the final plat of the survey approved by IDNR. Place an "*Exhibit C*" heading at the top of the document.

### Easement Exhibit D

*Exhibit D* is the approved Baseline Conservation Management Plan that documents the baseline conditions of the easement and provides maintenance and management recommendations for the conservation practices on the IL CREP easement acres. Place an "*Exhibit D*" heading at the top of the document.



*Exhibit B example*

## Submitting Easement Documents to IDNR

The SWCD will forward the final listed documents to IDNR for review:

- 1) Mortgage subordination (if applicable)
- 2) Grant of Conservation Right and Easement draft with Exhibits A, B, C, and D

## **Memorandum #4 – Final Legal Review and Landowner Payment Request**

### **Memo #4 Checklist for SWCD**

*Necessary Documents to Proceed to Memo #5*

- ☐ Signed *Legal Review B*
- ☐ *SWCD CREP Invoice*

Memorandum #4 will be emailed to the SWCD upon final approval of the Easement draft. IDNR will order an updated Title Commitment for review. New title exceptions may impede or cancel the IL CREP Easement application process.

The SWCD will receive the documents listed below from IDNR:

- Memorandum #4
- *CREP Legal Review Guidance*
- *Legal Review B*
- Updated Title Commitment

### **Final Title Commitment Update**

IDNR will order an updated title commitment, no more than 90 days prior to the anticipated closing, reflecting the surveyor's legal description of the CREP easement boundary, located on the survey, rather than the legal descriptions from the recorded deed of the offered property. This will be the final title commitment before the date-down search just prior to closing.

### **Legal Review B – Review CREP Easement Document and Updated Title Commitment**

The attorney will review the project for legal and title issues that may prevent a legally executed CREP Easement and provide brief documentation about remaining issues of concern. The attorney must also provide guidance, specific to the Easement in question, to effectively close the process. The SWCD attorney is required to submit *Legal Review B* within 45 days of the date on the title commitment. The *CREP Legal Review Guidance* document provides a reference that addresses the scope of review for attorneys.

### **Request for Landowner Easement Payment and Assignment of Easement Number**

The SWCD will submit the current version of the *SWCD CREP Invoice* to request the Landowner Payment and associated legal fees. The landowner lump sum payment will be processed when all closing documents have been reviewed by the SWCD's attorney, *Legal Review B* has been submitted, and IDNR makes their final approval. The Office of the Comptroller will deposit the invoice amount into the SWCD financial institution's account. It is highly encouraged to contact the Office of the Comptroller for instructions on having payments directly deposited to your SWCD account for the landowner's payment security. The SWCD will forward the Landowner's Payment to the agreed upon title company office to be held until closing. IDNR will assign a number to the *Grant of Conservation Right and Easement* to be applied by the SWCD as "State Number: \_\_\_\_\_" to the upper left corner of the *Grant of Conservation Right and Easement* document prior to closing.

Attorney General Legal Review

All CREP Easement Projects with a landowner payment over \$10,000 dollars must be reviewed by the Office of the Attorney General. IDNR will provide the *Grant of Conservation Right and Easement* document (with all exhibits), the final Title Commitment, the survey plat (if required), and the SWCD attorney's review to the Office of the Attorney General for review.

## **Memorandum #5 – Notice to Schedule Closing**

### **Memo #5 Checklist for SWCD**

*Necessary Documents to Complete Easement*

- ☐ *SWCD CREP Invoice*
- ☐ Appropriate FSA cost share documents, if applicable

Memorandum #5 will be emailed to the SWCD once IDNR has approved all closing documentation.

### **Easement Closing**

IDNR and SWCD will work with the title company to schedule an easement closing. The SWCD must provide all closing documents to the landowner for their review at least 24 hours prior to closing. While explaining the easement documents, the landowner may have questions. The SWCD should note all the questions that can't be immediately answered and present those questions to the SWCD's attorney and IDNR representative at closing.

Additionally, IDNR may conduct a visual observation of the easement area prior to closing, resources permitting. IDNR will inform the title company to order a date-down title review before closing to ensure that no additional encumbrances have been added. **If new title exceptions are discovered, IDNR will stop the closing process until the title is satisfactory.**

The *Grant of Conservation Right and Easement* will have been signed and notarized by IDNR prior to closing, accepting the easement granted by the landowner. IDNR will forward the document to the title company for final signatures. At the closing, the landowner will sign the document, granting the Easement to the IDNR. All signatures must be notarized. The Notary Public must not be a signatory to any documentation. The easement document and all supplemental documents required (e.g., mortgage subordination, grant of ingress/egress, etc.) must be recorded. The SWCD must ensure Schedule B exceptions of concern are addressed at the closing as directed by the SWCD attorney. A title insurance policy will be ordered in the amount of the landowner lump sum payment.

### **Administrative Fee and Final Expenditures**

Once the easement is closed, the SWCD will prepare a final *SWCD CREP Invoice* for the SWCD Administrative Fee of \$2,500 and reimbursement of all remaining fees associated with the enrollment process.

## **SWCD Post Closing Requirements**

### **Cost Share Payments**

Cost Share payments are made after the implementation of the conservation practice on the Federal CREP acres. IDNR will provide a 50% cost share payment for the landowner. The cost-share reimbursement will require FSA forms FSA Cost-Share Agreement (FSA-848A) and FSA Cost-Share Performance Certification and Payment (FSA-848B) as supporting documentation. The FSA-848A form shows the acres, practice(s) implemented, and payment made by FSA. The FSA-848B verifies the practice was implemented and meets practice standards. The SWCD will submit the SWCD CREP Invoice with forms FSA-848A and FSA-848B attached to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov) and the local FSA county offices. The SWCD will provide the cost share payment to the landowner once the SWCD receives the payment from the Comptroller's Office.

### **Initial Monitoring Report**

The Initial Monitoring Report must be completed within 12 months of easement closing. This report is used to establish a thorough and accurate representation of the condition of the entire CREP Easement. It requires on-site assessment and data collection to document site conditions at the beginning of the easement.

SWCDs selecting to monitor easements as part of their contract will be required to conduct an initial monitoring visit. The SWCD will use the Survey123 monitoring application to capture the condition of the property.

SWCDs conducting the site report will submit the *Initial Monitoring Report* and the *SWCD CREP Invoice* for \$100 to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).

A CRS will perform the initial monitoring, for SWCDs electing not to monitor, and provide the SWCD with a copy of the *Initial Monitoring Report* upon completion.

## Appendix A

### Instructions for Completing the IL CREP Enrollment Form

Prior to completing the form, it would be helpful to have the following documents available for the information required:

- Approved CRP-1
- CRP-2C
- *Conservation Schedule Plan of Operations* (CPO) with any supplemental documentation.
- Deed to each parcel being offered.
- Most recent tax bill for each parcel, previous landowner's tax bill allowed with deed.
- *Letter of Commitment to Grant Ingress/Egress*, if applicable.
- *Power of Attorney*, if applicable.
- Maps:
  - *FSA Map*
  - *Plat Map*
  - *Tax Parcel Map*
  - *Enrollment Aerial Map* depicting the Federal CREP acres, additional acres, and legal route of access.

#### **Landowner and Parcel Information**

- Download a new copy of the application on the SWCD CREP Documents website at: <https://www2.illinois.gov/dnr/conservation/CREP/Pages/8675309swcddocs.aspx>
- Once the document is open, click the "Enable Content" button

**Step 1.** Enter the parcel location and landowner details in this section.

- Date (MM/DD/YYYY)
- Revision
  - Mark if any information on the original application has changed.
- Property Location County
  - County in which parcel is physically located.
- SWCD County
  - County responsible for administrative management.
- Township number in which the parcel is located.
  - This can be found on the deed's legal description.
- Range number in which the parcel is located.
  - This can be found on the deed's legal description.
- Section in which the parcel is located.
  - This can be found on the deed's legal description.
- Watershed
  - Select one of the following from the drop-down.
    - Illinois
    - Kaskaskia



- Ingress/Egress Description
  - Select one of the following from the drop-down.
    - Direct Access from Public Road
    - Must cross landowner's property
    - Must cross adjoining landowner's property
- Ingress/Egress Description
  - Briefly describe the width and general direction the access route will follow. Be sure to limit the size of the description to the box, if additional space is needed, add it to the comments or send in an email to [DNR.CREP@illinois.gov](mailto:DNR.CREP@illinois.gov).
    - A legal description of the route will be provided by survey later.

**Step 2.** Enter the Landowner Details in this section.

- Enter all information requested on the form.
  - Landowner must provide a phone number and an email address.
    - A second phone number is required if an email address is not provided.
  - If the parcel has more than two landowners, you may enter the additional landowners on tab 5 - Additional Landowners.
  - Comments are encouraged. Please provide any pertinent or pending information about the status of the landowner or activity on the parcel IDNR should be made aware at time of application.

*Please proceed to tab 2 for information required from the federal CREP contract.*

### **Federal CREP Contract Information & Estimated Cost Share Payment**

**Step 3.** Enter federal contract information found in the upper right corner of the CRP-1. Separate multiple numbers by a comma.

- Federal contract number is located in box 3 of the CRP-1.
- Total Federal CREP Acres is located in box 4 of the CRP-1.
- Tract number is located in box 6 of the CRP-1.

**Step 4.** Select the Conservation Practice (CP) and estimated cost share rate from the CPO.

- Select CP, from the dropdown, for each practice listed.
- Enter FSA estimated cost share rate listed on the CPO.

*Please proceed to tab 3 Estimated Illinois CREP Payment – State Side*

### **Estimated Illinois CREP Payment – State Side**

**Step 5.** Enter the estimated additional acres being offered into the Illinois Conservation Reserve Enhancement Program (CREP), if applicable.

**Step 6.** Determine the soil types for the entire easement using NCRS's Web Soil Survey. See the help document on the [SWCD CREP Documents](#) webpage for more detailed instructions on using the Web Soil Survey.

Once the soil types have been determined:

- Enter the three predominant soil types in the Soil Map Unit column
- Enter the acreage for each soil type
- Enter the Soil Rental Rate for each Soil Map Unit in the Rental Rate column (\*note, the Soil Rental Rates are specific to each county and may be obtained from your local FSA county office)

Be sure to submit the Web Soil Survey output and the Soil Rental Rates sheets obtained from FSA along with the IL CREP Application.

Estimated lump-sum rental rate per acre and estimated lump-sum payments for 15 year and permanent options will auto populate.

*Please proceed to tab 4 Illinois CREP Easement Term Selection*

### **Illinois CREP Easement Term Selection**

#### **Step 7.** Select the easement term

Please click the appropriate button for the easement term to calculate the total payment amount for each option.

- Select 15 Year to review the 15-year payment option.
- Select Permanent to review the permanent option.

#### **Step 8.** Save, print, and submit the application.

- Save the Excel version of the application to your computer.
- Name the document as: “County SWCD” “Landowner Last Name, First or Corp, LLC, Partnership or trust”
- The SWCD may create a pdf version the application for ease of printing or emailing by clicking on the Print Enrollment Report button.
- The SWCD will use the OneDrive link on the [SWCD CREP Documents](#) website to upload the application and all necessary backup documentation. Also, the SWCD will email [DNR.CREP@illinois.gov](mailto:DNR.CREP@illinois.gov) to notify IDNR of the new application.
- It is recommended to maintain a digital copy of the Excel application for ease of entering updates to the application as they occur throughout the enrollment process.

# Illinois CREP Application

## LANDOWNER AND PARCEL INFORMATION

### Step 1. Enter the parcel location details

*\*Select the Revision box if this is a revision to a previously submitted enrollment application*

Date  ☐ REVISION

Property Location County  SWCD County

Township #  Range #  Section

Watershed (select one)

Ingress/Egress (select one)

Ingress/Egress Description

### Step 2. Enter the landowner details

#### Primary Landowner

Last Name

First Name

Entity

Address

City, State, Zip

Phone 1

Phone 2

Email

#### Secondary Landowner

Last Name

First Name

Entity

Address

City, State, Zip

Phone 1

Phone 2

Email

Comments

*\*Enter any important information in the comments box.*

*\*\*Enter additional landowners on the "Additional Landowners" tab 5*

**Please proceed to the Federal Side tab**

## Appendix B - IL CREP Application

### Federal CREP Contract Information and Estimated Cost Share Payment

SWCD Admin County:

Last Name:

#### **Step 3. Enter Federal CREP contract information, as found on the CRP-1**

From the CRP-1, enter the contract number(s), tract number(s), and total acres for the Federal CREP contract. More than one Federal CREP contract can be submitted per Illinois CREP application.

Federal Contract #(s)

Tract #(s)

Total Federal CREP Acres

#### **Step 4. Select the Conservation Practice (CP) and estimated cost share rate**

From the CRP-1, please select the appropriate practice from the dropdown list for each CP, and enter the estimated cost share from the CPO for each practice.

Select CP	Total FSA Estimated Cost Share

IDNR Estimated Cost Share \$0.00

Please proceed to the State Side tab

**Estimated Illinois CREP Payment - State Side**

SWCD Admin County:  
Last Name:

**Step 5. Enter the Estimated Additional Acres**

Enter the number of Additional Acres to be included in the easement.

Total Additional Acres

Total Federal Acres 0.00

**Total IL CREP Easement Acres 0.00**

**Step 6. Populate the estimated average Soil Rental Rate (SRR) for the entire easement**

Enter the 3 predominant soil types for the entire easement (Federal and Additional Acres), the acres for the soil type and the rental rate, as provided by FSA.

\*See the Web Soil Survey Help document on the SWCD CREP documents webpage for detailed instructions for calculating the SRR.

Map Unit Symbol	Acres	Rental Rate	Total Rent
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
Totals	0.00		\$ <input type="text"/>

Average SRR

**Estimated State CREP Payment**

The payment amounts below are for the state side easement payment only.  
This total does not include any Federal CREP/CRP contract payments.

**A: Permanent Easement - one time payment**

$$\frac{\text{Avg. SRR}}{\text{Avg. SRR}} \times 15\% \times 30 = \text{Lump Sum/Acre}$$

$$\frac{\text{Avg. SRR}}{\text{Avg. SRR}} \times 15\% \times 30 \times \frac{0.00}{\text{Total Acres}} = \text{Total Lump Sum Payment}$$

**B: 15 Year Easement - one time payment**

$$\frac{\text{Avg. SRR}}{\text{Avg. SRR}} \times 25\% \times 15 = \text{Lump Sum/Acre}$$

$$\frac{\text{Avg. SRR}}{\text{Avg. SRR}} \times 25\% \times 15 \times \frac{0.00}{\text{Total Acres}} = \text{Total Lump Sum Payment}$$

Please proceed to the Easement Term Selection tab

## Appendix B - IL CREP Application

### Illinois CREP Easement Term Selection

SWCD Admin County:

Last Name:

#### **Step 7. Select the Easement Term**

*Please click the appropriate button for the easement term to calculate the total payment*

*\*if changes are made on the prior tabs, you will need to click on the button again to recalculate*

#### **Estimated Easement Payments**

Easement Term	15 Year Easement
Lump Sum Easement Payment	
Estimated IDNR Cost Share	\$0.00
Total Estimated Payment	

#### **Estimated Acreage Offered**

Total IL CREP Easement Acres	0.00
------------------------------	------

#### **Step 9. Save and Print entire application and email Excel application to DNR.CREP@illinois.gov**

*Please click on the button below to create an Adobe PDF of the application*



## Appendix B - IL CREP Application

### ***Additional Landowner Details***

*Enter any additional landowners*

SWCD Admin County:

Last Name:

#### ***Additional Landowner***

Last Name

First Name

Entity

Address

City, State, Zip

Phone 1

Phone 2

Email

#### ***Additional Landowner***

Last Name

First Name

Entity

Address

City, State, Zip

Phone 1

Phone 2

Email

#### ***Additional Landowner***

Last Name

First Name

Entity

Address

City, State, Zip

Phone 1

Phone 2

Email

#### ***Additional Landowner***

Last Name

First Name

Entity

Address

City, State, Zip

Phone 1

Phone 2

Email

Additional Comments



## Appendix B - Easement Application Checklist



### IDNR CREP OFFICE USE ONLY

DATE SUBMITTED: \_\_\_\_\_

APPLICATION NUMBER: \_\_\_\_\_

## CREP Easement Application Document Checklist

Landowner Name: \_\_\_\_\_

Administrative County: Please select SWCD

The following documents are required for each CREP Easement offer. The unchecked documents were not received or were not correct for the parcels being offered. Please submit the requested documents to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov) to begin the reviewing process.

- ☐ Approved CRP-I with Social Security Number and/or FEIN redacted.
- ☐ CRP-2C
- ☐ Deed to each parcel being offered.
- ☐ Most recent tax bill for each parcel.
- ☐ Letter of Commitment to Grant Ingress/Egress, if applicable.
- ☐ Power of Attorney, if applicable.
- ☐ Soil Rental Rate sheet for entire easement, as posted in FSA county office.
- ☐ Conservation Schedule Plan of Operations (CPO)  
CRP Conservation Practice (CP) Data, if applicable:
  - ☐ Seeding/Planting Lists
  - ☐ NRCS Job Sheets and/or Implementation Requirement (IR) Sheets
  - ☐ NRCS Engineering Plans/Designs w/supporting documentation (for all CP practices requiring engineering).
  - ☐ NRCS cultural resource review
- ☐ FSA Map
- ☐ Plat Map
- ☐ Tax Parcel Map
- ☐ Enrollment Aerial Map depicting Federal CREP acres, additional acres, and legal route of access.

IDNR Reviewer: \_\_\_\_\_

## Appendix B - Withdrawal Form



### Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

JB Pritzker, Governor  
Colleen Callahan, Director

Landowner Name: \_\_\_\_\_

Application/Easement Number: \_\_\_\_\_

This form is to confirm that you have voluntarily withdrawn your application to enroll your property into the Conservation Reserve Enhancement Program after you have approved the preliminary draft of the Illinois CREP Grant of Conservation Right and Easement.

Since your withdrawal is made after you approved the preliminary draft of the Illinois CREP Grant of Conservation Right and Easement, you will be required to reimburse the SWCD for expenses incurred while processing your application. These expenses include survey costs, title work, attorney fees, cost share reimbursements, SWCD Administrative fees, and recording fees.

The total amount you are required to reimburse to the \_\_\_\_\_ County SWCD is \_\_\_\_\_. Please see attached documentation.

By signing this form, you accept the terms for withdrawal of your State CREP application.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Completed form should be scanned and e-mailed to [DNR.CREP@illinois.gov](mailto:DNR.CREP@illinois.gov).



## Appendix B - Easement Acceptance Notice

### Conservation Reserve Enhancement Program

Illinois Department of Natural Resources  
One Natural Resources Way Springfield, Illinois 62702  
DNR.CREP@illinois.gov

Date \_\_\_\_\_

### EASEMENT ACCEPTANCE NOTICE FOR STATE CREP EASEMENT ENROLLMENT

**Administrative County** Please select SWCD. \_\_\_\_\_  
**Landowner's Name** \_\_\_\_\_  
**Federal Contract Number(s)** \_\_\_\_\_  
**Farm Number(s)** \_\_\_\_\_  
**Tract Number(s)** \_\_\_\_\_

By your signature on this Application, you hereby confirm that you are voluntarily enrolling in the State side of the Illinois Conservation Reserve Enhancement Program (CREP), and that you agree to the following responsibilities, described below.

By checking each box, you agree that:

- ☐ The Please select SWCD. Soil and Water Conservation District (SWCD) and Illinois Department of Natural Resources (IDNR) have, or will have, ingress/egress rights to the property, as described in Attachment A, for the onsite inspections to determine eligibility and compliance with the terms and provisions of CREP easement.
- ☐ There will be no changes in the physical condition (i.e., timber harvest) of additional acres, if enrolling in a permanent easement, without prior approval by IDNR.
- ☐ If you withdraw your enrollment after providing approval of the preliminary draft of the Illinois CREP Grant of Conservation Right and Easement and Conservation Management Plan, you will reimburse the SWCD or IDNR for expenses incurred prior to the date of your withdrawal. These expenses include SWCD administrative fees, survey costs, title work fees, attorney fees, State cost share reimbursements, and/or recording fees. Written notice of such expenses will be mailed to you and payment shall be received within 60 days of receipt, as directed.
- ☐ If IDNR determines that any condition of the property title is incompatible with the proposed conservation easement, IDNR may suspend the state CREP enrollment process until the property condition in the title is resolved. If such property condition in the title cannot be resolved, IDNR will terminate the enrollment process.
- ☐ Any mortgages or liens on enrolled property will be released or subordinated to the CREP easement, and any service fees assessed by the lending institution will be your responsibility.

## Appendix B - Easement Acceptance Notice

- ☐ There are no structures (cabins, buildings, abandoned wells (open or sealed), dumpsites, landfills, etc.) or abandoned equipment on the proposed CREP property. If any structures, dumpsites, landfills, or equipment are found to exist, you agree to remove them at your own expense and on an agreed-to schedule for completion prior to enrollment.
- ☐ An IDNR approved Conservation Management Plan will be written based on the CREP program and landowners' conservation goals.
- ☐ You understand the State lump sum payment will be based on acreage results from a land boundary survey when a survey is required.
- ☐ You understand that if your property is enrolled in the State CREP, the enrolled acres will not be eligible for re-enrollment in Federal CRP Programs in the future.
- ☐ You agree to the use of geospatial data related to your enrollment in CREP by the SWCD and IDNR.
- ☐ You understand this application does not guarantee State CREP enrollment\* (see statement below) and/or approval by SWCD or IDNR.

\*Not all program guidelines are listed above, detailed CREP enrollment and program guidelines can be provided by contacting your SWCD or IDNR.

I, \_\_\_\_\_, accept the enrollment terms for the State of Illinois CREP, as described above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Acknowledgment

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS:

I, \_\_\_\_\_, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that, \_\_\_\_\_, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public: \_\_\_\_\_

My commission expires on \_\_\_\_\_.

## Appendix B - Easement Acceptance Notice

IDNR Representative:

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Acknowledgment

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_) SS:

I, \_\_\_\_\_, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that, \_\_\_\_\_ personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public: \_\_\_\_\_

My commission expires on \_\_\_\_\_.

## Appendix B - Affidavit of Ownership

STATE OF ILLINOIS )

) SS.

A F F I D A V I T

COUNTY OF \_\_\_\_\_)

(name), being first duly sworn upon oath, states as follows,  
to the best of her knowledge:

1. That, as record owner of the below described premises,  
she has personal knowledge of the facts averred herein.

2. There are no persons other than the grantor(s) (and immediate family) in possession of any portion of the premises described as follows:

**(Legal Description)**

She further states that there are no current outstanding leases on any part of the above premises, except as follows (IF NONE, SO STATE):

3. This affidavit is made for the purpose of inducing the State of Illinois to accept an Illinois CREP Grant of Conservation Right and Easement Agreement for the premises hereinabove described from the record owner thereof and make payment for said Agreement.

4. The affiant has no knowledge of any unrecorded easement over, under, upon or across the above described premises.

5. There are no encroachments, overlaps, or boundary line disputes involving the aforesaid premises to the knowledge of the



## Appendix B - Affidavit of Ownership

undersigned.

6. There are no mortgages, chattel mortgages, conditional sales contracts or financing statements existing on or in connection with the premises hereinabove described, other than as shown in the current title commitment.

7. There are no taxes or special assessments which are not shown as existing liens by the public records involving the aforesaid premises.

8. That no material, new or additional, improvements have been made to or constructed upon the above premises within the past three years except as follows **(IF NONE, SO STATE):**

10. There have been no improvements made or contracted for on the premises within four (4) months immediately preceding the date of the affidavit, out of which a claim for Mechanics' Lien could accrue or has accrued.

11. All improvements now on the premises involved comply with all local building and zoning ordinances.

12. The premises involved have not been used or occupied for any purpose which would subject the property to the provisions of the Illinois statute commonly known as the Dram Shop Act.

---

(name)



## Appendix B - Memo 1

### Conservation Reserve Enhancement Program

Illinois Department of Natural Resources  
One Natural Resources Way Springfield, Illinois 62702  
DNR.CREP@illinois.gov

#### **Memo 1 Check List**

- ☐ Mortgage Subordination, if applicable.
- ☐ Signed *Legal Review A*
- ☐ *SWCD CREP Invoice* (Administrative Fee)

Date \_\_\_\_\_

### **Memorandum #1 – IL CREP Application Approval & Legal Review A**

**Administrative SWCD**      Select County SWCD.

**Application Number** \_\_\_\_\_

**Landowner's Name** \_\_\_\_\_

The above-named landowner's application for an Illinois Grant of Conservation Right and Easement has been reviewed and approved by the Illinois Department of Natural Resources. An initial review of the Commitment for Title Insurance requires the SWCD to work with an independent real estate attorney to review the proposed easement project. Schedule B exceptions are to be reviewed for any conflict with the goals of the Conservation Reserve Enhancement Program (CREP).

All mortgages and liens on the offered CREP acreage will require the SWCD to work with the landowner and the lender to obtain a commitment to subordinate or release those liens against the offered CREP acreage.

Additionally, submit a completed *SWCD CREP Invoice* for the Administrative fee.

Detailed instructions for Memo 1 can be found in the SWCD CREP Enrollment Manual on the [SWCD CREP Documents](#) website

Please find the following enclosures:

- Mortgage Subordination Template
- Title Commitment
- All recorded documents for each Schedule B exception
- Legal Review A
- CREP Legal Requirements
- Easement Map, with required annotations
- IL CREP Grant of Conservation Right and Easement Template

Upon completion of the legal review process, please forward the Check Box items to [DNR.CREP@illinois.gov](mailto:DNR.CREP@illinois.gov).

## Appendix B - Mortgage Subordination

### **MORTGAGE SUBORDINATION AGREEMENT**

This mortgage subordination agreement is between the Illinois Department of Natural Resources ("IDNR"), an Illinois State Agency with offices at One Natural Resources Way, Springfield, Illinois 62702 and the (name of bank) ( "Mortgagee"), an state bank with offices at (bank address).

Mortgagee has extended loans to ("Borrowers") that are secured by the following mortgages (collectively, "Mortgages") that encumber the real estate described on Exhibit A ("Property"):

- A. Mortgage dated and recorded on as Document No. made by to the to secure indebtedness in the amount of ; and (if necessary)
- B. Mortgage dated and recorded on as Document No. made by to the to secure indebtedness in the amount of .

The Borrowers own the Property in fee simple. To participate in the Illinois Conservation Reserve Enhancement Program ("CREP") and receive payment for their participation, the Borrowers desire to grant a Conservation Right and Easement on the Property to IDNR (hereinafter with its successors and assigns, called "Grantee") pursuant to the Real Property Conservation Rights Act, 765 ILCS 120, as amended ("CREP Easement"), including rights of ingress and egress across the Property.

To induce Grantee to accept the CREP Easement and to make CREP payments to Borrowers, Mortgagee desires to subordinate the lien of the Mortgages to Grantee's rights and interests in the CREP Easement.

The parties therefore agree as follows:

1. Mortgagee consents to the grant of the CREP Easement to Grantee and forbears from treating the grant as a transfer that accelerates the payment of Borrower's indebtedness or that otherwise results in a default under the Mortgages.
2. Mortgagee hereby subordinates its lien of the Mortgages to Grantee's rights and

## Appendix B - Mortgage Subordination

interests in the CREP Easement as they may then exist, such that no foreclosure, sale or other assertion of Mortgagee's rights in the Property shall extinguish, modify or adversely affect the validity and enforceability of the CREP Easement or of Grantee's rights and interests in the CREP Easement.

3. Mortgagee's subordination under this agreement shall in no way affect or impair the rights of the Mortgagee, its successors and assigns, to hold, foreclose or sell under the Mortgages, in any manner prescribed by contract or law, all of the land, hereditaments and appurtenances and estates therein, save for and except that the rights, titles, estates and privileges of Grantee in the CREP Easement shall be unaffected; and any renewals or extensions of any indebtedness secured by any of the Mortgages and any foreclosures or sales of any or all of the Property under the Mortgages shall expressly except and be subject to the CREP Easement and the rights thereunder of the Grantee.

4. This Mortgage Subordination Agreement is both a contract and a covenant running with the land. It benefits and burdens the parties' successors and assigns pursuant to the interests to which they succeed.

5. Mortgagee acknowledges that Grantee's payments for the Easements will be made directly to the owners of the Property.

6. Mortgagee confirms that it has received legally sufficient consideration for this agreement and that Grantee and the Property's owners are relying upon Mortgagee's subordination in granting and accepting the CREP Easement.

The parties are signing this Mortgage Subordination Agreement as of the last dated notary attestation below.

**Mortgagee:**  
**Name of Bank**

**Grantee:**  
**Illinois Department Of Natural Resources**

By: \_\_\_\_\_

By: \_\_\_\_\_  
Colleen Callahan, Director

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

## Appendix B - Mortgage Subordination

### Exhibit A

Legal Description of the Property

SAMPLE



## Appendix B - Legal Requirements

### CREP LEGAL REQUIREMENTS

A thorough legal review of the CREP enrollment documents is essential to ensure the near and long-term integrity of the CREP Easements. Therefore, an attorney who is licensed in the State of Illinois must conduct a comprehensive legal review prior to execution of the Illinois CREP Grant of Conservation Right and Easement Agreement.

The attorney must complete Legal Review A—Title Commitment and Legal Review B—Final Project Documents.

It is necessary for the attorney to:

- Review, comment on, and assist in the resolution of issues raised by the title company's letter of commitment.
- Provide any pertinent pre-survey input and follow-up with a review of the final survey;
- Review and provide approval of the Illinois *CREP Grant of Conservation Right and Easement Agreement* document;
- Assist in full execution of the *Mortgage Subordination Agreement* form provided if there are any mortgages on the property the easement is being granted on;
- Assist in the preparation and/or review of the closing documents and protocol;
- Review the issued title policy to confirm that it provides the intended level of protection; and
- Take any other steps necessary to confirm that the grantee has full authority to enter the property into the Illinois CREP Grant of Conservation Right and Easement.

If the reviewing attorney has any questions or concerns regarding which title exceptions may be accepted by the Illinois Department of Natural Resources, or any other questions or concerns, the attorney may contact IDNR/CREP at (217) 557-6498.





## Appendix B - Legal Review A

### Legal Review A – Title Commitment

A legal review is required to resolve legal and title issues before proceeding with the subsequent survey and closing of the conservation easement. Any remaining legal or title issues that may negatively affect the purpose or integrity of this conservation easement should be reviewed and documented for IDNR. For additional information contact the CREP Program at 217-557-6498.

Landowner Name \_\_\_\_\_

Administrative County: \_\_\_\_\_

Property County: \_\_\_\_\_

Application Number: \_\_\_\_\_

Date Sent to Attorney: \_\_\_\_\_

**Completed by SWCD**

Documents provided by SWCD to attorney for review:

- Memorandum #2 – CREP Notice to Resolve Title Exceptions
- Title commitment
- CREP Legal Review Guidance
- Proposed easement map commitment
- Supplemental recorded legal documents (if necessary)
- CREP Easement Document
- Other documents (listed):

Legal Approval:

I am a licensed attorney in the State of Illinois. I have read and understand the document entitled "Legal Requirements" attached hereto as Exhibit A. I have reviewed this CREP easement and resolved title and legal issues. Any remaining title or legal issues are addressed in written documentation to the SWCD and IDNR.

\_\_\_\_\_  
Attorney Name (Printed)

\_\_\_\_\_  
Name of Law Office

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

Attorney comments:

\_\_\_\_\_



## Appendix B - Memo 2

### Conservation Reserve Enhancement Program

Illinois Department of Natural Resources  
One Natural Resources Way Springfield, Illinois 62702  
DNR.CREP@illinois.gov

Date \_\_\_\_\_

#### **Memo 2 Check List**

- ☐ Plat of Survey (in PDF format)
- ☐ Digital plat of survey (.DWG or geospatial shapefile format)
- ☐ Legal Description (in PDF format)
- ☐ Updated survey files (if applicable)
- ☐ Revised IL CREP Application
- ☐ SWCD CREP Invoice

### **Memorandum #2 – Notice to Order Survey**

**Administrative SWCD**

Select SWCD County. \_\_\_\_\_

**Application Number**

\_\_\_\_\_

**Landowner's Name**

\_\_\_\_\_

The above-named landowner's property offer into an Illinois CREP easement has been approved to be surveyed. You may award a contract to a surveyor of your choice provided bidding is below \$5,000 and the surveyor agrees to follow the *Boundary Survey Requirements for Illinois CREP* attached. Please follow guidelines regarding bids in the *SWCD CREP Enrollment Manual*.

Upon completion of the survey and the submittal of all required files, IDNR will review the survey for the required information and approval. IDNR will notify the SWCD of any required adjustments. The SWCD will work with the surveyor to obtain the corrections and resubmit to IDNR.

Once the survey is approved, please complete a revised *Illinois CREP Application* using the surveyed acres (marking the revision box on the application). Once the survey invoice has been received, complete the *SWCD CREP Invoice* including the survey fee and the SWCD administrative fee.

Detailed instructions for Memo 2 can be found in the SWCD CREP Enrollment Manual on the [SWCD CREP Documents](#) website.

Please find the following enclosures:

- *Boundary Survey Requirements for Illinois CREP*
- *GIS Shapefile and KMZ file*

Submit the Memo 2 Check List items to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).

## Appendix B - Survey Requirements



### Conservation Reserve Enhancement Program (CREP) Boundary Survey Requirements

These are the specific requirements to be performed by the surveyor. The surveyor is responsible to perform the survey in conformance with Ill. Admin. Code tit. 68, pt. 1270.56 Minimum Standards of Practice

- 1) A boundary survey performed in accordance to the Illinois Minimum Standards of Practice is a land survey that requires study, investigation and evaluation of major factors affecting and influencing the location of boundary lines and that culminates in the deliberate location or relocation of the perimeters, division lines or boundaries of a certain lot, parcel or quantity of real estate, according to the record title description of the parcel or parent tract. (The surveyor will be provided a copy of the title commitment and any supporting documentation provided as provided from the Title Company.)
- 2) The purpose of a boundary survey is to establish or re-establish the extent of title lines, and to define and identify those lines so as to uniquely locate each lot, parcel or other specific land area in relation to well recognized and established points of reference, adjoining properties, and rights of way. The surveyor shall survey the parent tract and establish or re-establish the controlling corners of the parent tract. ***The surveyor is responsible to establish/re-establish the parent parcel adequate enough to recover/replace the controlling monuments for the parent parcel and ultimately the CREP easement. The CREP easement will be monumented at all corners, angle points, points of curvature and points of tangent or witness corners.***
- 3) A boundary survey shall include, but not be limited to, the following:
  - A) Clear and legible field notes containing all pertinent information, measurements and observations made in the course of the field survey. A copy is to be provided with final submission.
  - B) A plat of survey.
  - C) A legal description for any CREP easement surveyed will be prepared to Illinois Minimum Standards of Practice.
  - D) Monuments or witness points shall be set for all accessible corners of the survey.
- 4) Information Research Required. Sufficient information to perform the survey shall obtained by the surveyor. The following appropriate factors must be evaluated by the surveyor:
  - A) A property description describing the subject parcel. If, in the opinion of the surveyor, the description furnished or obtained is insufficient to fully define the extent or location of the parcel to be surveyed due to ambiguity or calls for adjoining deeds, prior recorded survey plats, etc., it is the duty of the surveyor to report the insufficiencies to the client. Additional information if available or instruction how to proceed will be furnished to the surveyor. This is not to be construed to indicate that the surveyor has an obligation to research the title of record.
  - B) A reproduction of the recorded subdivision plat that created the subject lot, block or parcel.
  - C) A reproduction of the Government Township Plat and pertinent Monument Records if the survey is of a section or aliquot part of a section.

## Appendix B - Survey Requirements

- D) Relevant data provided by the client regarding special circumstances, such as unrecorded easements, judgements or Court decrees that may influence the location of boundaries of the survey.
- 5) Monuments. Monuments set or called for, whether artificial or natural, bear witness to the footsteps of a surveyor and his/her professional opinion as to the proper marking of a desired position. Monumentation for public land survey systems corners shall be in accordance with the Land Survey Monuments Act. The following shall be considered acceptable types of artificial monuments for all other corners:
- A) Types.
- i) Iron bars or rods shall be a minimum of 5/8" in diameter by 30" in length. Iron pipes shall be a minimum of 5/8" in diameter by 30" in length, with a minimum wall thickness of 1/8". Where rocky soils prevent specified lengths, the bar, rod or pipe should be driven to refusal at depths where it will remain stable.
  - ii) Commercial cast iron or aluminum survey markers no less than 30" in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.
  - iii) Other monuments, such as drill holes, chiseled marks in stone, concrete or steel, punch marks, precast bronze discs, etc., shall be of sufficient size, diameter or depth to be definitive, stable and readily identified as a survey marker. Objects upon which the marks or markers are placed shall be of a stable and permanent nature.
- B) Requirements.
- i) Where placement of corner monuments is a condition of the survey and it is physically impossible or impractical to set a monument at the corner, a witness corner or corners will be set, or noted if existing witness corners are found. Witness corners shall be referenced to the survey corner or survey lines.
  - ii) Monuments must be set to a sufficient depth so as to retain a stable and distinctive location. Material and size for monuments shall be chosen in regard to the terrain and situation that exists at the site of the survey. All monuments shall be set vertically whenever possible.
- 6) Plats. On all boundary surveys the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
- A) Firm name, address and registration number.
  - B) Professional land surveyor seal, signature, date of signing, and license expiration date. Rubber-stamp signatures, computer generated signatures or other reproduced signatures are prohibited.
  - C) Client's name.
  - D) North arrow.
  - E) Scale-written or graphic.
  - F) Date of completion of field work.



## Appendix B - Survey Requirements

- G) Legal description of the CREP easement property.
  - H) Legend for all symbols and abbreviations used on the plat.
  - I) Monuments or witness corners, whether set or found, intended to represent or reference corners of the survey, shall be shown and described as to size, shape and material, and their positions noted in relation to the survey corners. Two of the monumented corners shall be labeled with Illinois State Plane coordinated in the appropriate zone. The basis of how the coordinates are established and specifications about the datum used shall be noted on the plat.
  - J) Sufficient angles, bearings or azimuths, linear dimensions and curve data must be shown on the plat to provide a mathematically closed figure for the exterior of the survey. Where record angular dimensions, bearings or azimuths, linear dimensions or curve data exist, such data shall be shown on the plat and distinguished from measured dimensions or data. Area of the survey is to be shown on the face of the plat unless otherwise requested by the client.
  - K) Where bearing, azimuth or coordinate systems are used, the basis or proper names of the system shall be noted on the plat.
  - L) If the survey is a parcel in a recorded subdivision, any adjacent rights of way or easements and setback lines shown on the recorded plat that affect the subject parcel are to be shown and dimensioned.
  - M) Visible physical evidence of possession or occupation either way from the exterior lines of the survey shall be shown and dimensioned. Show visible evidence of improvements, rights of way, easements, or use within the CREP easement area.
  - N) Exculpatory statements that attempt to restrict the uses of boundary surveys shall not be affixed to any plat.
  - O) The following statement shall be placed near the professional land surveyor seal and signature:  
"This professional service conforms to the current Illinois minimum standards for a boundary survey."
- 7) Field Procedures. All field work shall be performed by a professional land surveyor or a person under his/her direct control and supervision in accordance with accepted methods of surveying theory, practice and procedures. It is the responsibility of the professional land surveyor to insure conformance with the following specific requirements:
- A) All surveying instruments shall be kept in proper adjustment and calibration.
  - B) All corners or monuments called for in the information provided or obtained under subsection (b)(4) that affect the location of the boundaries of the land to be surveyed shall be physically searched for in a methodical and meticulous fashion. Each corner or monument recovered shall be evaluated as to its agreement by description and location with the information in subsection (b)(4).
  - C) Other evidence that could influence the location of the lines or corners of the survey shall be located and evaluated.

## Appendix B - Survey Requirements

- D) When the survey is of an aliquot or divisional part of a larger tract, sufficient field work must be performed to ensure that the existence of excess or deficiency, if any, in the parent tract can be determined and distributed by the professional judgment of the surveyor.
  - E) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
- 8) It shall be the responsibility of each professional land surveyor to monitor his/her work and that of those working under his/her supervision, so that the methods used to perform the survey and produce the plat and/or report will be of such quality that the accuracy, precision and positional tolerance of the final product delivered to his/her client will equal or exceed that which would be provided by another competent surveyor under similar circumstances.
- 9) The surveyor may provide an un-signed electronic PDF file or paper copy for review and approval. For final submission the surveyor shall provide (3) paper copies of the completed Plat of Survey. The surveyor shall also provide a copy of the field notes and/ or electronic data (point file) and electronic CAD file. Any errors or inadequacies shall be corrected upon request without additional charge.
- 10) Minimum Standards for Writing Parcel Legal Descriptions. A description defining land boundaries written for conveyance or describing the extent of a survey or for other purposes shall be complete, providing definite and unequivocal identification of the property lines or boundaries of a unique parcel. The description shall be sufficient to be platted, located on the ground and, when appropriate, mathematically closed. The description shall commence at or relate to a physically monumented corner or boundary control line of record.
- A) If the land is located in a recorded subdivision, the description shall contain the number or other description of the lot, block or other part of the subdivision, or shall describe the parcel by reference to a known corner of the lot, block or other recorded reference.
  - B) If the parcel is not located within a recorded subdivision, the description shall state the section, township, range, principal meridian and county, and shall describe the parcel by reference to quarter section, quarter-quarter section, government lot, or metes and bounds, beginning/commencing at a monumented corner and referencing an established and monumented line in the United States Public Land Survey System.
  - C) In any case, when a new description is created or a previous description is rewritten, enough of the original description should be maintained so as to form a trail or chain to follow the history of the parcel.





## Appendix B - Memo 3

### Conservation Reserve Enhancement Program

Illinois Department of Natural Resources  
One Natural Resources Way Springfield, Illinois 62702  
DNR.CREP@illinois.gov

#### Memo #3 Checklist for SWCD

Necessary Documents to Proceed to Memo #4

- ☐ Easement draft with Exhibits A, B, C, and D
- ☐ Mortgage Subordination Completion (if applicable)
- ☐ **Legal Review B** (signed by reviewing attorney)

Date \_\_\_\_\_

### Memorandum #3 – Easement Preparation

**Administrative SWCD**

Please select SWCD.

**Application Number**

**Landowner's Name**

The SWCD will prepare a draft of the *Grant of Conservation Right and Easement* using the appropriate landowner easement template, and following the instructions listed below:

- IDNR will provide the appropriate easement template for completion.
- Complete all blanks with appropriate information requested.
- Grantor's name(s), entity, or other partnership must appear as it does on the deed.
- Additional pages have been provided to accommodate all required signatures.
- Prepare Exhibits A, B, C, and D per instructions located in the CREP Manual.

In the event a subordination of mortgage is needed, the SWCD will prepare the mortgage subordination document using the IDNR provided template. An officer of the lending institution, having previously agreed to subordinate the open mortgage, and the landowner will sign the document. The official must be an officer of the lending institution, a Vice-President or above with signature authority, and have their signature notarized. The prepared document will be reviewed by the SWCD attorney and the Office of the Attorney General. This document will be included with the closing package forwarded to the title company and will be recorded with all other closing documents.

Detailed instructions for Memo 3 can be found in the SWCD CREP Enrollment Manual on the [SWCD CREP Documents](#) website.

Please find the following enclosures:

- *Grant of Conservation Right and Easement template*
- *Exhibit B map*
- *Mortgage Subordination template, if applicable*

Submit the Memo 3 Check List items to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).

## Appendix B - Memo 4



### Conservation Reserve Enhancement Program

Illinois Department of Natural Resources  
One Natural Resources Way Springfield, Illinois 62702  
DNR.CREP@illinois.gov

Date \_\_\_\_\_

#### Memo #4 Checklist for SWCD

##### Necessary Documents to Proceed to Memo #5

- ☐ Signed Legal Review B
- ☐ SWCD CREP Invoice

### **Memorandum #4 – Final Legal Review and Landowner Payment Request**

**Administrative SWCD**

Please select SWCD.

**Application Number**

**Landowner's Name**

An updated commitment for Title Insurance on the surveyed CREP easement parcel has been reviewed for any changes to the title prior to scheduling closing, executing the easement, and payment to the landowner.

The SWCD will provide this memo along with the *CREP Legal Review Guidance*, the updated commitment for Title Insurance, and the *Legal Review B* form to the SWCD's attorney to review the project for legal and title issues that may prevent a legally executed CREP Easement and provide brief documentation about remaining issues of concern. The attorney must also provide guidance, specific to the Easement in question, to effectively close the process. The SWCD attorney is required to submit Legal Review B within 45 days of the date on the title commitment. The CREP Legal Review Guidance document provides a reference that addresses the scope of review for attorneys.

Additionally, please submit the current version of the SWCD CREP Invoice to request the Landowner Payment and associated legal fees. IDNR will assign an easement number to the Grant of Conservation Right and Easement to be applied by the SWCD. Detailed instructions are in the *CREP Enrollment Manual* Part V. State CREP Easement Process.

Submit the Memo 4 Check List items to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).



## Appendix B - Legal Review B

### Legal Review B - Final Project Documents

The Soil and Water Conservation District is providing you with the closing packet of documents for this CREP easement. Review this project to confirm that a clear title is present for integrity of the conservation easement, confirm all documents necessary for closing a sound CREP conservation easement have been correctly completed, and provide direction to the SWCD to ensure an effective easement closing. This review process must be completed within 45 days. For further information, contact the CREP Program at 217-557-6498.

Landowner Name: \_\_\_\_\_

Administrative County: \_\_\_\_\_

Property County: \_\_\_\_\_

Application Number: \_\_\_\_\_

Date Sent to Attorney: \_\_\_\_\_

**Completed by SWCD**

Documents provided by SWCD to attorney for review:

- Completed *Easement Document*
- Easement *Exhibits A, B, and C*
- Other closing documents
- Updated title commitment
- Plat of survey
- *CREP Legal Review Guidance*
- Other:

#### Legal Approval:

I am a licensed attorney in the State of Illinois. I have read and understand the document entitled "Legal Requirements" attached hereto as Exhibit A. I have worked with the SWCD to ensure easement documents have been correctly completed and title issues have been appropriately addressed to ensure the integrity of the proposed CREP conservation easement; remaining concerns about the conservation easement document and title have been noted in the comments below; and the SWCD has been directed about the procedure for effectively closing this easement.

\_\_\_\_\_  
Attorney Name (Printed)

\_\_\_\_\_  
Name of Law Office

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

Attorney comments:

## Appendix B - Memo 5



### Conservation Reserve Enhancement Program

Illinois Department of Natural Resources  
One Natural Resources Way Springfield, Illinois 62702  
DNR.CREP@illinois.gov

Date \_\_\_\_\_

#### **Memo #5 Checklist for SWCD**

Necessary Documents to Complete Easement

- ☐ SWCD CREP Invoice
- ☐ Appropriate FSA cost share documents, if applicable
- ☐ Baseline Monitoring Report

### **Memorandum #5 – Notice to Schedule Closing**

**Administrative SWCD**

Please select SWCD. \_\_\_\_\_

**Application Number**

\_\_\_\_\_

**Landowner's Name**

\_\_\_\_\_

IDNR and SWCD will work with the title company to schedule an easement closing. The SWCD must provide all closing documents to the landowner for their review at least 24 hours prior to closing. While explaining the easement documents, the landowner may have questions. The SWCD should note all the questions that can't be immediately answered and present those questions to the SWCD's attorney and IDNR prior to closing. Contact IDNR Hotline at (217) 557-6498.

Additionally, IDNR may conduct a visual observation of the easement area prior to closing, resources permitting. IDNR will inform the title company to order a date-down title review before closing to ensure that no additional encumbrances have been added. If new title exceptions are discovered, IDNR will stop the closing process until the title is satisfactory.

The Grant of Conservation Right and Easement will have been signed and notarized by IDNR prior to closing, accepting the easement granted by the landowner. IDNR will forward the document to the title company for final signatures. At the closing, the landowner will sign the document, granting the Easement to the IDNR. All signatures must be notarized. The Notary Public must not be a signatory to any documentation. The easement document and all supplemental documents required (e.g., mortgage subordination, grant of ingress/egress, etc.) must be recorded. The SWCD must ensure Schedule B exceptions of concern are addressed at the closing as directed by the SWCD attorney. A title insurance policy will be ordered in the amount of the landowner lump sum payment by IDNR.

Once the easement is closed, the SWCD will prepare a final SWCD CREP Invoice for the SWCD Administrative Fee of \$2,500.00 and reimbursement of all remaining fees associated with the enrollment process. Submit the Memo 5 Check List items to [DNR.CREP@Illinois.gov](mailto:DNR.CREP@Illinois.gov).