

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRY

PART 1536  
FORESTRY DEVELOPMENT COST-SHARE PROGRAM

Section

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AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].

SOURCE: Adopted and codified at 8 Ill. Reg. 13689, effective July 25, 1984; amended at 9 Ill. Reg. 14286, effective September 5, 1985; amended at 10 Ill. Reg. 6838, effective April 3, 1986; amended at 10 Ill. Reg. 18168, effective October 15, 1986; amended at 11 Ill. Reg. 18632, effective November 2, 1987; amended at 14 Ill. Reg. 18244, effective October 29, 1990; amended at 17 Ill. Reg. 16485, effective September 27, 1993; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 10473, effective June 1, 1998; amended at 41 Ill. Reg. 4272, effective March 31, 2017.

**Section 1536.10 General**

The purpose of this program is to encourage the establishment, management, and sustainable use and benefits of forests. Definitions located at 17 Ill. Adm. Code 1537 apply to this Part as well.

- a) Timber growers participating in this program may also be eligible for federal cost-share programs administered by agencies of the United States.
- b) An application for cost-shared practices must be signed and dated by the timber grower or the timber grower's legally authorized agent and submitted to an Illinois Department of Natural Resources (IDNR) Forester. The requirements for installation of the practices must be described in the approved Forest Management Plan (Plan) (see 17 Ill. Adm. Code 1537). Any practice variations or deviations must be submitted in writing and approved by the IDNR Forester. The cost-share practice shall not be started until the application is approved by the IDNR Forester.
- c) Reimbursement for approved cost-share practices shall never exceed the established base cost of the practice.
- d) Timber growers must keep records and receipts of practice implementation costs.
- e) This is a timber grower reimbursement cost-share program. Advance payment is not allowed and cost-share payment will not be made to a third party or to vendors.
- f) When federal or other cost-share programs are utilized concurrently with the Illinois Forestry Development Act (FDA) the combined FDA, federal and other reimbursements will not exceed the established base cost of the practice. The base cost represents the cost of implementing the practice.
- g) A practice will not be repeated with FDA cost share on the same area of land within a 10 year period and must be maintained for a minimum of 10 years, except as allowed under Sections 1536.30, 1536.65, 1536.70 and 1536.77.
- h) Property upon which cost-share practices are installed must be protected from wildfire and grazing unless specifically prescribed in the Plan.
- i) Pesticides used in implementing practices must be federally, State and locally registered and must be applied strictly in accordance with authorized registered uses, directions on the label, and other federal and State requirements.
- j) If a timber grower has paid an IDNR timber harvest fee within 2 State fiscal years prior to the approval of a Plan or practice, timber growers will have their cost-share increased toward recouping up to 100% of their harvest fee. The combined payment for the practice implementation and the harvest fee rebate shall not exceed 100% of the timber grower's actual and reasonable practice

implementation costs. Timber growers and/or landowners who sold timber based upon provisions of the Plan shall have priority for harvest fee rebates.

- k) Only IDNR approved and satisfactorily completed practices provide the authority for reimbursement to timber growers. All practice components must be completed and approved before payment is authorized.
- l) Cost-share practices shall not be authorized for any action that is determined to be harmful to threatened or endangered nonplant species or their habitat.
- m) Cost-share payments shall not be authorized for practices totaling less than one acre.
- n) Cost-share will not be authorized for more than a single practice that treats, removes, affects or establishes the same material, stems or growing vegetation or that is prescribed to achieve the same forest management result on the same acre.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

#### **Section 1536.20 Eligibility**

- a) Participation in the program is limited to timber growers who own or operate at least 10 contiguous acres of land enrolled in the FDA Program.
- b) Timber growers owning less than 10 acres who have maintained continuous participation may participate, as grandfathered parcels, until such time as they withdraw or are cancelled by an IDNR Forester. Those growers may not reduce enrolled acreage. Growers may transfer their Plan to another grower.
- c) Property on which cost-share practices are installed must have a Plan as described in 17 Ill. Adm. Code 1537, except for cost-share applications for preparation of Forest Management Plans practice under Section 1536.25.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

#### **Section 1536.25 Preparation of Forest Management Plans**

This practice provides timber growers with an additional opportunity to obtain professional assistance in Plan preparation.

- a) The timber grower must accept the Plan and sign the Certification Form before the IDNR Forester will authorize reimbursement for the cost-share of the Plan preparation practice.

- b) A cost-share application for this practice must be submitted and approved by the IDNR Forester prior to development and preparation of a Plan.
- c) The Plan must meet the conditions, requirements, standards and specifications contained in FDA, 17 Ill. Adm. Code 1537 and this Section.
- d) Components eligible for cost-share reimbursement can include reconnaissance, travel, secretarial, mailing, telephone, forest inventory, data analysis and plan writing.
- e) Copies of inventory output must be submitted to the IDNR Forester with the proposed Plan.
- f) The flat rate payment for this practice is \$300 plus \$7 per acre. The base cost for this practice is \$400 plus \$10 per acre.
- g) Fractional acres for all stands and practices in a Plan shall be rounded to the nearest 1/10<sup>th</sup> acre for cost-share payment.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

### **Section 1536.30 Planting Trees and Direct Seeding**

The purpose of these practices is to establish a stand of forest trees for timber production and compatible natural resource conservation.

- a) During Plan review, the IDNR Forester shall verify the suitability of the land for site preparation and tree planting, considering soil erodibility and necessary soil stability practices, timing and ground cover requirements.
- b) Cost-share is not authorized for:
  - 1) Planting fewer than 436 trees per acre unless the Plan is specifically amended later, under subsections (c)(2)(E)(iii) and (c)(3).
  - 2) Planting or culture of fruit or nut orchards, windbreaks, Christmas trees, ornamental trees, landscaping or legally regulated mitigation projects.
  - 3) Irrigation of planted trees.
  - 4) Tree, shrub or other plant species not approved by the IDNR Forester.

- 5) More than one method (subsection (c)(2), (c)(3) or (c)(4)) of establishing a stand of trees.

c) Cost-Share Rates/Specification:

- 1) Site Preparation – Flat rate payment for this practice is a variable amount ranging from \$30 to \$495 per acre. The base cost is a variable amount ranging from \$40 to \$660 per acre. The Plan preparer conducts a careful field inspection of current vegetative cover on the site to determine the appropriate category and cost-share rate (see subsection (c)(1)(A)). Treatment is to be applied to/attempted for all target species present and is to result in a minimum mortality or effective control rate of 85%.

A) Cost-share Categories and Cost-share Payment Rates

Category	Flat Rate/A.	Base Cost/A.
i) Primarily annual vegetation rutting or heavy residues that will cause some difficulty in normal planting.	\$30	\$40
ii) 60% or more of area in perennial grasses and/or broadleaf herbaceous plants, or up to 40% of area in light woody cover, stems 2 inches or less diameter at ground line.	\$60	\$80
iii) More than 40% of area occupied by woody vegetation, briars, vines or woody stems 2 inches diameter or less at ground line, but can include up to 50 stems per acre greater than 2 inches at ground line.	\$90	\$120
iv) More than 40% of area occupied by woody vegetation greater than 2 inches diameter at ground line, or more than 75 stems per acre greater than 2 inches diameter at ground line.	\$180	\$240

- |    |  |       |       |
|----|--|-------|-------|
| v) | More than 80% of area occupied by woody vegetation greater than 2 inches diameter at ground line, or more than 200 stems per acre greater than 2 inches diameter at ground line. | \$495 | \$660 |
|----|--|-------|-------|
- B) This practice may only be approved for acres having undesirable or competing vegetation or residue (such as grass sod, perennials and/or annual broadleaved plants and trees and/or shrubs). Practice acres will be planted to stock desirable tree species.
- C) Measures and practices necessary to minimize erosion must be undertaken according to prescribed specifications set forth in the Plan.
- D) Site preparation may be undertaken mechanically with machinery or by chopping, cutting or sawing and may include use of herbicides and/or prescribed fire. Aerial spray applications (herbicides by helicopter or fixed-wing plane) will not be approved for more than the \$180 per acre rate established in subsection (c)(1)(A)(iv).
- E) One approved category and practice is allowed once in any 10 year period unless specifically approved by the IDNR Forester, based on the standards in subsection (c)(2)(F), due to practice failure from extreme natural causes.
- 2) Tree Planting Bare Root Stock (Trees and Labor) – Flat rate payment for purchasing and planting stock is a variable amount ranging from \$300 per acre using 436 trees per acre (base cost \$400/acre) to \$619 per acre using 900 trees per acre (base cost \$825/acre).
- A) Selected tree species and seed sources of stock to be planted must be used and must be established in accordance with the Plan specifications and subsection (c)(2)(F)(i).
- B) All planted trees must be tightly packed and firmly adhered to the soil at the proper depth, regardless of type of planting machinery, augers, hand tools or other methods of physical planting used.
- C) At least 90% of the conifer stock must be not less than 3/32 inch in

caliper as measured at 1 inch above the root collar. At least 90% of the hardwood stock shall be no less than 7/32 inch caliper as measured at 1 inch above the root collar. Hardwood stock purchased from private nurseries from the 12-18 inch height category or larger as described in the nursery's catalog or other written description are considered to meet the 7/32 inch caliper requirement.

- D) Seedling stock seed source must originate within 100 miles north or 200 miles south of the planting site, unless otherwise specified in the Plan.
- E) Spacing requirements are as follows:
  - i) Plant seedlings 6 to 12 feet apart in rows 6 to 12 feet apart. Plant at least 436 and no more than 1210 trees per acre (however, the cost-share will consider no more than 900 trees per acre (see subsection (c)(2)).
  - ii) Underplantings may be approved for less than 436 trees per acre and only within wooded areas receiving at least 40% direct sunlight.
  - iii) Variations in these spacing and seedling density standards may be made in accordance with the Forestry Management Plan (Plan) created under 17 Ill. Adm. Code 1537 and approved by the IDNR Forester.
  - iv) Cost-share for plantings greater than or less than 436 trees per acre will be prorated at \$0.69 per tree, not to exceed 900 trees per acre.
- F) Stocking and Replanting Requirements
  - i) A minimum survival rate of 70% of the planted stock specified must be maintained for the 10 year lifespan of the practice. Natural regeneration of acceptable species may be used to supplement minimum survival of planted trees if approved by the IDNR Forester, based on soil type, drainage, soil productivity and other growing conditions.
  - ii) If 70% of the prescribed stand is not obtained, or if a stand deteriorates to less than 70% within the first or second

growing seasons, cost-share assistance for replanting may be available when stocking losses are due to extreme natural causes, such as drought, flood, hail, depredation or similar occurrences.

- iii) Cost-share will not be authorized for planting failures due to improper Plan implementation or factors within the control of the timber grower.
- 3) Tree Planting Containerized Stock (Trees and Labor)  
Flat rate payment for this practice is \$315 per acre. The base cost for this practice is \$420 per acre.
- A) Planting of containerized stock may be used in addition to natural regeneration or certain other, non-cost-shared reforestation methods when approved by the IDNR Forester as part of a Plan.
  - B) This practice is limited to areas that will naturally regenerate within 3 years. A seed source for desirable natural regeneration must be within 200 feet of the planting area. A combined minimum of 500 acceptable desirable trees per acre must be present 3 years following planting and must be maintained for the 10 year lifespan of the practice.
  - C) Containerized trees must be hard mast producing species, such as oak, black walnut, hickory or others that are at least 2 gallon sized and have a planted height of no less than 3 feet and a caliper no less than 3/8 inch as measured 1 inch above the root collar.
  - D) Tree seed source must be within 100 miles north or 200 miles south of the planting site, unless otherwise specified in the Plan.
  - E) Plant trees 20-80 feet apart in rows 20-80 feet apart so that at least 28 planted trees are well distributed throughout each planted acre.
  - F) Underplantings may be approved for fewer than 28 trees per acre. Underplantings must receive at least 40% direct sunlight. The cost-share rate for planting fewer than 28 trees per acre will be prorated down using the 28 tree stocking level as the basis.
- 4) Direct Seeding Component (Seed and Labor)  
The flat rate payment for this practice is \$100 per acre for free or collected seed or \$250 per acre for purchased seed stock. The base costs for this

practice are \$133 per acre for free or collected seed and \$333 per acre for purchased seed.

- A) Direct seeding may be used in lieu of seedling planting when approved by the IDNR Forester as part of a Plan.

AGENCY NOTE: Reference for Direct Seeding  
R. Herman, D. Schmoker, B. Sloan and T. Ward, 2003 Illinois Direct Seeding Handbook, A Reforestation Guide, Illinois EPA and USDA Natural Resources Conservation Service, Champaign IL.

- B) Spacing Requirements

- i) Plant seeds 1 to 2 feet apart in rows 6 to 12 feet apart. Plant at 3,000 to 4,800 hard mast seeds per acre. Soft mast species seeds may be planted in addition to or instead of hard mast species, depending on site conditions.
- ii) Variations in spacing and seed density standards may be made in accordance with written recommendations approved by the IDNR Forester. Flat rate payment for planting greater than or less than 3,000 seeds per acre will be prorated using 3,000 seeds as the basis. Natural regeneration may be used as a supplement to planting if prescribed in an approved Plan.

- C) Stocking and Replanting Requirements

- i) A minimum germination and survival rate of 1,000 planted seeds must be maintained for 2 growing seasons. Natural regeneration of acceptable species may be used to supplement germinated growing stock.
- ii) If 1,000 seedling trees are not germinated and growing after the first and second growing seasons, cost-share assistance for replanting may be available, subject to IDNR Forester approval, when stocking losses are due to extreme natural causes such as drought, flood, hail, depredation or similar occurrences.
- iii) Cost-share will not be authorized for planting failures due to improper Plan implementation or factors within the

control of the timber grower.

- iv) Cost-share assistance for replanting is only available once. If fewer than 300 acceptable trees are present after 3 growing seasons, seedling tree planting must be done (see subsection (c)(2)) by planting bare root stock.
  - D) The seed source must be within 100 miles north or 200 miles south of the planting site, unless otherwise specified in the Plan.
  - E) Measures to protect seed from depredation must be prescribed in the Plan.
  - F) Site preparation measures must be implemented as described in the Plan before direct seeding.
- 5) Control of Undesirable Vegetation – The flat rate payment for this practice is \$40 per acre with herbicides or \$60 per acre with mulch and/or weed control fabric. The base cost for herbicides is \$53 per acre and for mulch or fabric is \$80 per acre. Treatment is to be applied to/attempted for all target species present and is to result in a minimum mortality or effective control rate of 85%.
- A) Application of appropriate herbicide products that are labeled and approved by the Illinois Department of Agriculture for this use may be applied before, after or at the time of planting, as outlined in the Plan or approved by the IDNR Forester. Continuously treated bands 4-6 feet wide or spot treatments 16-36 square feet in size must be used. Narrower or smaller and wider or larger treatment coverage and broadcast herbicide applications must be detailed in the Plan or approved by the IDNR Forester.
  - B) Organic mulches or water permeable cloth or fabric may be used in combination with herbicides or in lieu of herbicides. Continuous mulch of fabric bands 4-6 feet wide or spot treatments 16-36 square feet in size must be used. The depth of mulch must be maintained at 4-10 inches deep for 2 growing seasons. Fabrics must be kept secured and functional for 2 growing seasons.
  - C) Undesirable vegetation must be controlled, if prescribed in the Plan, in order to receive approval for site preparation and planting cost-share payments. Two additional applications, within 5 years after the original stocking, to control undesirable vegetation may

be required by the IDNR Forester and determined eligible for cost-share payment.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

#### **Section 1536.40 Fencing to Protect Forests and Plantations**

- a) A Plan may require fencing needed to exclude livestock.
- b) Limited use of live trees is permitted, provided 2" x 4" nailing strips of durable wood are used between the wire and the tree.
- c) Boundary fences and fences adjacent to roads are not eligible for cost-share.
- d) Cost-Share Rates/Specifications – The flat rate payments and corresponding base costs vary by type of fence constructed. All fence must be a minimum of 4 feet in height.
  - 1) A woven wire fence must consist of at least a 32 inch woven wire with at least 2 strands of barbed wire on top. The distance between posts or live trees must not exceed 17 feet. The flat rate payment for woven wire fence is \$15 per rod (16.5 feet). The base cost is \$20 per rod.
  - 2) A barbed wire fence must be at least 3 strands. The distance between posts or live trees must not exceed 17 feet. The flat rate payment for barbed wire fence is \$12 per rod. The base cost is \$16 per rod.
  - 3) A high-tensile fence must consist of at least 5 strands of wire with the distance between posts not to exceed 30 feet, with sufficient droppers to maintain proper wire spacing. The flat rate payment for high-tensile wire fence is \$12 per rod. The base cost is \$16 per rod.
  - 4) Alternative materials and design may be used as approved by the IDNR Forester using materials that are treated or naturally resistant to decay. The flat rate payment for alternate materials fence is \$12 per rod. The base cost is \$16 per rod.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

#### **Section 1536.50 Tending Forest Stands (Repealed)**

(Source: Repealed at 41 Ill. Reg. 4272, effective March 31, 2017)

**Section 1536.51 Timber Stand Improvement**

The purpose of Timber Stand Improvement (TSI) is to increase tree growth and quality, improve forest vigor and health, influence tree species composition, enhance diversity of native flora, and improve wildlife habitat in forest stands by eliminating certain trees and vegetation to achieve optimal forest conditions. TSI practice is intended to benefit high quality desirable tree species in the dominant, codominant or intermediate canopy layer. TSI is implemented on the ground by following a detailed quantitative and qualitative prescription.

- a) Cost-share is only authorized for TSI based upon a silvicultural prescription, approved by the IDNR Forester, developed using forest stand analysis that supports the purpose for this practice and the goals and objectives stated in the Plan.
- b) Cost-Share Rates/Specifications
  - 1) Timber Stand Improvement – The flat rate payment for this practice is a variable amount ranging from \$45 to \$60 per acre. The base cost is a variable amount ranging from \$60 to \$80 per acre. The Plan preparer shall conduct a careful field inspection of current tree cover and condition to determine the appropriate category and cost-share rate. The cost-share categories and cost-share rates are:
    - A) Kill a minimum of 10 square feet for BA (basal area) per acre and release a minimum of 15 desired trees per acre. The flat rate payment for this practice is \$45 per acre with a base cost of \$60 per acre; or
    - B) Kill a minimum of 30 square feet of BA per acre and release a minimum of 25 desired trees per acre. The flat rate payment for this practice is \$60 per acre with a base cost of \$80 per acre.
  - 2) Work will be accomplished using approved methods, including cutting, girdling, herbicide treatment, or a combination of methods to favor and release trees to leave an adequately stocked stand composed of high quality, well-distributed trees. All cut trees not girdled must be completely severed from their stump. Stocking guides and species selection shall be determined by referencing literature and tables in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types", Illinois Technical Forestry Association (1972), Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana IL 61081 or in "Crop Tree Management in Eastern Hardwoods", Arlyn Perkey 1993, NA-TP-19-93, USDA Forest

Service, Morgantown WV (no later editions or amendments are incorporated).

- 3) Herbicide application treatments are required in implementing this practice when utilizing any method. Applications of herbicide must conform to and follow the label on appropriate herbicide products that are labeled and approved by the Illinois Department of Agriculture. Herbicide application may be omitted on cut stems or stumps of any desirable forest species noted in the Plan or on certain other species if approved by the IDNR Forester.
- 4) Cost-share assistance will not be approved for any acre from which commercial products from that acre are sold or traded in the process of carrying out the timber stand improvement practices.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

#### **Section 1536.55 Pruning Hardwood Crop Trees**

The purpose of pruning is to improve the quality and quantity of crop trees in a forest stand.

- a) Acceptable pruning of crop trees is corrective pruning to a single leader with side branch pruning. The flat rate payment for this practice is \$105 per acre. The base cost is \$140 per acre.
- b) The IDNR Forester must give prior approval of a practice area with individual trees marked and/or having a detailed written prescription addressing a minimum of 40 crop trees per acre having a minimum of 4 inches diameter at breast height (DBH).
- c) Prune to total height of 17 feet and retain at least 40% of total tree height as live crown. Prune no live limbs over 3 inches in diameter.
- d) All pruning final cuts must be targeted as close to the stem as possible without disturbing the branch bark ridge and branch collar. Assure that no branch stubs or flush pruning cuts are left on pruned trees.
- e) Corrective pruning to influence tree form may be required in the Plan during the establishment of a forest stand. Early corrective pruning shall not be cost-shared unless undertaken along with side branch pruning as described in this Section.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

**Section 1536.60 Permanent Firebreaks for Management and Protection of Forests**

The purpose of this practice is to provide a practical and low cost way of affording protection to forests from damage by wildfire and to facilitate the use of prescribed fire as a management tool.

- a) Firebreak Construction. The flat rate payment for this practice is \$200 plus \$4 per rod. The base cost for this practice is \$267 plus \$5 per rod.
- b) Firebreaks shall be cleared to a minimum of 1 rod in width. Place firebreaks on the contour, where possible.
- c) Drainage structures shall be installed according to Table 5.1 in the Illinois publication Forestry Best Management Practices (available on the internet from the University of Illinois ([web.extension.illinois.edu/forestry/timber\\_harvest/il\\_forestry\\_bmps\\_2007.pdf](http://web.extension.illinois.edu/forestry/timber_harvest/il_forestry_bmps_2007.pdf)), Southern Illinois University ([mypage.siu.edu/eholzmue/index\\_files/ilbmp.pdf](http://mypage.siu.edu/eholzmue/index_files/ilbmp.pdf)) or from IDNR, Division of Forestry Resources, One Natural Resources Way, Springfield IL 62702; June 2007) when the grade exceeds 5%.
- d) Firebreaks shall be permanent and shall be established and maintained by one of the following methods, assuring cleared functional width is maintained.
  - 1) Disk at least twice annually to keep vegetation from accumulating as fuel or as otherwise detailed in the Plan.
  - 2) Establish and maintain by mowing a cover crop of cool season grass, clover or cereal grain. Vegetation must be maintained at a height less than 12 inches.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

**Section 1536.65 Reducing Wildlife Damage**

Control of wildlife damage is necessary at times to protect the investment in tree planting, direct seeding or natural regeneration.

- a) This practice is limited to situations in which the need for damage control is evident or highly probable based on wildlife population. Consultation with IDNR District Wildlife Biologists is advised.
- b) In addition to these cost-share practices, other strategies to control wildlife damage must be included in the Plan and implemented.

- c) Strategies may include legal hunting, providing alternate habitats, planting of species not favored by a given wildlife species, vegetation management or planting a companion species.
- 1) Tree Shelters. The flat rate payment for this practice is \$225 per acre. The base cost is \$300 per acre. Commercial plastic or mesh products or other noncommercial materials or designs approved by the IDNR Forester may be used.
    - A) A minimum of 50 tree shelters shall be evenly distributed throughout each acre.
    - B) Tree shelters shall be maintained on desirable species for the life of the shelter or until they interfere with the growth of the tree.
    - C) Durable rot resistant stakes of wood, fiber, bamboo or other natural materials must be used.
    - D) Mesh caps or other approved barriers shall be used as necessary to prevent injury to avian species.
    - E) Tree shelters must be a minimum height of 4 feet.
    - F) Cost-share of fewer than 50 shelters per acre is authorized only in conjunction with planting of containerized trees as defined in Section 1536.30(c)(3). Cost share for fewer than 50 shelters per acre will be prorated using 50 shelters as the basis.
  - 2) Electric Fencing. The flat rate payment for this practice is \$0.75 per foot. The base cost is \$1.00 per foot. The purpose is to construct and maintain an electrified fence to repel deer from forestation or natural regeneration areas.
    - A) Use steel fence wire enclosed in plastic, wire ribbon or other suitable fence wire. Fence wire must be clearly visible or marked with bright color at minimum intervals of 25 feet.
    - B) Design of fence must be submitted in writing and/or as diagrams or drawings and approved by the IDNR Forester prior to construction.
  - 3) Repellants. The flat rate payment for this practice is \$15 per acre. The base cost is \$20 per acre. The purpose is to prevent damage to trees by reducing wildlife browsing.

- A) Scent or taste repellants or physical barriers such as bud protectors may be used as specified in the Plan.
- B) Label directions for rates, timing and frequency on approved scent and taste products must be followed.
- C) A minimum of 50 trees evenly distributed throughout each acre must be treated to protect the terminal leader by using physical barriers

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

### Section 1536.70 Site Preparation for Natural Regeneration

The purpose of this practice is to create site conditions, including adequate light conditions reaching the forest floor, favorable for the establishment, development and/or release of desirable regeneration.

- a) Cost-share is not authorized for areas totaling less than one acre.
- b) Cost-share may be authorized for planting seed or planting seedlings should natural regeneration fail to become established to the desired stocking level within 4 full growing seasons after site preparation for natural regeneration has been implemented.
- c) This practice should only be prescribed within 15 years prior to a scheduled harvest or post-harvest as prescribed in the Plan.
- d) Cost-Share Rates/Specifications
  - 1) Tree/Shrub Removal. The flat rate payment for this practice is a variable amount ranging from \$75 to \$270 per acre. The base cost is a variable amount ranging from \$100 to \$360 per acre. The Plan preparer shall conduct a careful field inspection of current vegetative cover on the site to determine the appropriate category and cost-share rate.

#### A) Cost-share Categories and Cost-share Rates

Category	Flat Rate/A.	Base Cost/A.
i) treat fewer than 150 stems/A.	\$75	\$100

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|  | ii)  | treat 150 through 300 stems/A.  | \$90  | \$120 |
|  | iii) | treat 301 through 1000 stems/A. | \$180 | \$240 |
|  | iv)  | Treat more than 1000 stems/A.   | \$270 | \$360 |
- B) Target plants will be removed by cutting, girdling and/or herbicide treatment. Undesirable species must be treated with an appropriate herbicide to prevent resprouting. Treatment must address all target species and result in a minimum mortality or effective control rate of 85%.
- C) Prescribed burning and/or soil scarification may be used in conjunction with this practice.
- D) The goal of this practice is to obtain a 40-60% stocking level in the stand canopy composed of well-distributed, desirable, dominant and/or co-dominant trees.
- E) Post-harvest regeneration openings must have a radius, in feet, equal to or greater than the average height of adjacent dominant forest trees. All undesirable live stems necessary to meet practice objectives should be eliminated in regeneration harvest openings.
- F) Site preparation for natural regeneration may require treatment of woody shrubs and light infestations of woody exotic shrubs, along with undesired trees and tree species, in order to establish adequate light levels to achieve the practice objective.
- G) Site preparation for natural regeneration under subsection (d)(1)(A)(iii) and (iv) may require killing undesirable stems of small size to adequately meet the practice objective.
- 2) Soil Scarification. The flat rate payment for this practice is \$75 per acre. The base cost is \$100 per acre.
- A) The purpose of this component is to expose mineral soil to enhance the establishment of oak and other desirable species.
- B) This practice shall be performed in the fall of an abundant seed crop prior to leaf drop.

- C) A timber harvest, prescribed fire or tree/shrub removal may be needed in addition to scarification to enhance the survival, growth and development of newly established seedlings.
- 3) Prescribed Fire. The flat rate payment for this practice is \$1,500 plus \$50 per acre. The base cost is \$2,000 plus \$67 per acre. The maximum allowable payment to any timber grower in any one fire season is \$7,000.
- A) The objective of this practice is to reduce the density of forest competition and leaf litter to stimulate growth and regeneration of desirable species.
  - B) Cost-share may be authorized for up to 3 fires in the same area within a 10 year period, if prescribed in the Plan. A detailed prescribed fire plan must be prepared and approved, prior to any burning, in accordance with IDNR policy and procedures.
  - C) Prescribed fire must burn forest floor fuels to result in an 80% complete combustion of the target area and fuels.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

### **Section 1536.75 Forestry Best Management Practices**

The purpose of this practice is to promote the use of best management practices (BMPs) and streamside management zones (SMZs) through the construction, establishment, maintenance or renovation of roads, trails, culverts, stream crossing structures and landing areas for the purpose of improving and protecting soil and water quality.

- a) Cost-share is authorized for the establishment of grasses, legumes or temporary cereal crops on skid trails, log landings or other forest roads or trails used during timber harvesting. Rates include site preparation, seed cost, soil tests and installation.
- b) Cost-share is authorized for the construction and installation of drainage structures.
- c) Cost-share is authorized for the construction and installation of rock fords, culverts and bridges that will be used as temporary or permanent crossings over streams, ravines and ditches during a logging operation.
- d) Practices will be implemented and completed according to the publication Forestry Best Management Practices (see Section 1536.60(c)).

- 1) Critical Area Seeding. The flat rate payment for this practice is \$50 per acre. The base cost is \$67 per acre.
- 2) Water Bars. The flat rate payment for this practice is \$0.50 per linear foot of structures. The base cost is \$0.67 per linear foot of structures.
- 3) Water Deflector and Open Top Culvert. The flat rate payment for this practice is \$3 per linear foot of structures. The base cost is \$4 per linear foot of structures.
- 4) Culverts (steel, aluminum, polyurethane). The flat rate payment for this practice is a variable rate per linear foot of structure based on culvert diameter.

	Category	Flat Rate/Ft.	Base Cost/Ft.
A)	15" diameter culvert	\$16	\$21
B)	18" diameter culvert	\$19	\$25
C)	21" diameter culvert	\$22	\$29
D)	24" diameter culvert	\$25	\$33

- 5) Portable Timber Bridges. The flat rate payment for this practice is \$375 per harvest. The base cost is \$500 per harvest.
- 6) Rock Fords. The flat rate payment for this practice is \$500 per ford. The base cost is \$666 per ford.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

### **Section 1536.77 Invasive and Exotic Species Control**

The purpose of this practice is to eradicate or control the establishment and spread of exotic and invasive plants that threaten forest regeneration, productivity, native plant diversity and wildlife habitat.

- a) Cost-share is authorized for the control of species that are considered a biological threat to the successful establishment or management of the forest flora. Target species must be identified in the Plan.
- b) Invasive and Exotic Species Control. The flat rate payment for this practice is a

variable amount ranging from \$30 to \$495 per acre. The base cost is a variable amount ranging from \$40 to \$660 per acre. Treatment is to be applied to/attempted for all target species present and result in a minimum mortality or effective control rate of 85%.

1) Cost-share categories and flat rate payments are:

Category	Flat Rate/A.	Base Cost/A.
A) Less than 10% of treatment area occupied by target species; brush mowing may be used	\$30	\$40
B) 10% to 25% of treatment area occupied by target species	\$60	\$80
C) 26% to 50% of treatment area occupied by target species	\$90	\$120
D) 51% to 75% of treatment area occupied by target species	\$180	\$240
E) More than 75% of treatment area occupied by target species	\$495	\$660

2) Treatment methods can be combined and may be accomplished mechanically and/or by herbicide application, cutting, pulling, burning or other means. Cost-share may be authorized for second and third treatments to the same treatment area within a 10-year period, as outlined in the Plan.

- A) Additional treatment of Category D or E areas may be cost-shared no higher than Category B.
- B) Additional treatment of Category B or C areas may be cost-shared no higher than Category A.
- C) Aerial applications as an initial treatment will be cost-shared no higher than Category D.

(Source: Added at 41 Ill. Reg. 4272, effective March 31, 2017)

**Section 1536.80 Appeal**

- a) Any timber grower whose proposed Plan or completed practice is not approved by the IDNR Forester may appeal to the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, an IDNR Forester from another district in the Region and the Forest Management Program Administrator.
- b) The appeal must be made in writing to the State Forester or his or her designee within 30 days after the date that the proposed Plan or completed practice was disapproved by writing to the address in Section 1536.90.
- c) The Regional Review Committee will conduct a meeting to receive written and oral arguments of the applicant and to reconsider the proposed Plan and completed cost-share practices.
- d) The Regional Review Committee will notify the applicant in writing within 30 days after the meeting date stating the reasons for which the original decision is upheld or reversed.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

#### **Section 1536.90 Information**

Anyone wishing additional information concerning this Part may contact:

Administrator  
Forest Management Programs  
Illinois Department of Natural Resources  
Division of Forest Resources  
One Natural Resources Way  
Springfield IL 62702-1271

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)

#### **Section 1536.100 Penalty**

Each participant in this Forestry Development Cost-Share Program is responsible for complying with the terms and conditions stated in the Agreement, and shall follow the provisions detailed in the Plan. Refund of all cost-share payments made will be required if the Agreement is not followed and/or the practice is not maintained for its minimum lifespan. Each practice carries a 10 year life span starting on the date the practice was completed and approved by IDNR. Refund checks should be made payable to the Illinois Department of Natural Resources. Participants who refuse voluntary repayment will be subject to liens filed against their property or

withholding of State payments by the Comptroller of Illinois.

(Source: Amended at 41 Ill. Reg. 4272, effective March 31, 2017)