**Section 700.APPENDIX F Department of Energy and Natural Resources' Agricultural Land Preservation Policy Statement and Cooperative Working Agreement**

INTRODUCTION

The Department of Energy and Natural Resources' (ENR) Agricultural Land Preservation Policy has been prepared in response to the Farmland Preservation Act (Ill. Rev. Stat. 1987, ch. 5, par. 1301 et seq.). The Act calls for the preparation of an Agricultural Land Preservation Policy which shall include:

1. an analysis of the impact on agricultural land conversions caused by state agency programs, regulations, procedures and operations;

2. measures that can be implemented by each agency which will mitigate conversions to the maximum extent practicable;

3. provisions for minimizing agricultural land conversion as defined in Section 700.10.

ENR, as one of the agencies named in the Farmland Preservation Act, has developed the following policy in support of the Act. This approach ensures that agricultural preservation is viewed in the context of the State's total resources.

GENERAL POLICY STATEMENT

ENR recognizes the need to ensure that its actions do not unnecessarily encourage the conversion of farmland to non-farm uses when there are viable alternatives available which are less destructive to Illinois' agricultural lands. ENR will help protect the state's agricultural land from irreversible conversion to uses which result in its loss as an environmental or essential food production resource, however, ENR also recognizes that Illinois has other natural and cultural resources which deserve equal consideration and which play an important role in the state's economy, environment and heritage.

BACKGROUND

ENR has the duty to investigate practical problems, implement studies, conduct research and provide assistance, information and data relating to the technology and administration of environmental protection; energy; the natural history, entomology, zoology and botany of Illinois; the geology and natural resources of Illinois; the water resources and weather of Illinois; and the archaeological and cultural history of Illinois.

ENR has not been responsible for any agricultural land conversion in the past three years. Research facilities of the Geological, Natural History and Water Survey Divisions of the Department, aside from the central offices in Urbana, Champaign, and Savoy are generally secured either on a lease basis or through cooperation with other state agencies or divisions such as the Department of Conservation or the University of Illinois. The potential for land acquisition of the Surveys is small because of the availability of these cooperative arrangements, but some research needs in the future may dictate the purchase of land. Even in those cases, however, the purchase will probably not lead to the irreversible conversion of agricultural land.

The State Museum owns or operates three archaeological sites in Illinois and has the power to accept grants of property and to hold property for the purpose of preservation, research or interpretation of significant archaeological and natural phenomena areas within the state. In practice, most archaeological, historic and natural areas are acquired by the Illinois Department of Conservation and the Historic Preservation Agency.

ENR through its responsibilities in "The Illinois Coal Development Bond Act", grants money to encourage the development of coal use technologies and for research and development of other forms of energy such as solar, wind and biomass. The power of eminent domain can also be used by ENR for the purposes of sitting, obtaining rights of way or easements for coal resource developers in facility sitting and coordination with public and private organizations. Although this program has a potential for causing the conversion of agricultural land, it has not done so to date.

CONTRIBUTIONS TO AGRICULTURE

ENR has contributed to the preservation of agricultural, as well as other natural and cultural resources of the state, in many ways. Some specific responsibilities ENR has, which relate to these resources, are:

\* to investigate and study the natural resources of the state and prepare printed reports and furnish information fundamental to the conservation and development of natural resources.

\* to cooperate with and advise departments having administrative powers and duties relating to the natural resources of the state.

\* to investigate all insects dangerous or injurious to agricultural or horticultural plants, crops and livestock.

\* to act as the central data repository and research coordinator for the state in matters related to water resources.

\* in the conduct of economic impact studies on rules and regulations of the Pollution Control Board to include an evaluation of the economic impact on Illinois agriculture.

\* to carry out educational efforts in cooperation with other state agencies on natural resource and energy issues. ENR co-sponsored the two Governor's Conference on the Preservation of Agricultural Lands as part of this function. Educational aids directed at agriculture are also produced by the Surveys.

\* to offer demonstration and assistance programs for alternative energy resources. Alcohol, gasohol and solar programs, projects and assistance have directly contributed to increasing the viability of the agricultural sector in Illinois.

IMPACT MITIGATION POLICIES

State Surveys

1. ENR will attempt to avoid irreversible conversion of agricultural land when the purchase of land is necessary to carry out Survey research functions. If research needs dictate that the Surveys purchase land, any purchases over ten (10) acres of agricultural land will be reviewed by an ENR committee in order to determine whether other alternatives exist. The committee will make a report of its finding and forward it to the Department of Agriculture (DOA). An exception to this would be the acquisition of an agricultural research farm. This potential case as well as other research needs for land is not expected to result in irreversible conversion.

Illinois State Museum

2. The Illinois State Museum will only purchase those sites of National Register quality for the purpose of preserving, studying and interpreting archaeological and natural phenomena. While this may mean that in the future some agricultural land may be removed from production, the application of criteria (36 CFR 60 (1983)) restricting acquisition to National Register quality sites will minimize adverse impacts to agriculture and help preserve the other natural or cultural resources of exceptional quality.

Illinois Coal Development Bond Act

3. ENR, in carrying out its responsibilities under this Act, will attempt to minimize any adverse impacts on agriculture. For state funded projects converting more than ten (10) acres of agricultural land, ENR will evaluate the potential adverse impacts on Illinois agriculture in accordance with 8 Ill. Adm. Code 700.Appendix A, EXHIBIT B, "Project Proposal Information Requirements," as well as other Illinois natural and cultural resources within the context of the state's social, economic and environmental goals based on such factors as the following: (a) decrease in future food production capabilities; (b) increase in soil erosion; (c) deterioration or reduction of water quality and groundwater supplies; and (d) other environmental factors related to the particular project that diminishes Illinois' cropland base or otherwise adversely impacts Illinois' agricultural lands. The information identified above and the alternative strategies for mitigation of adverse impacts shall be provided to the DOA.

When assistance is provided to sponsors of non-state funded projects for energy development, the ENR will provide a copy of the ENR Agricultural Land Preservation Policy Statement and the Cooperative Working Agreement to the sponsor at the earliest possible date.

(October, 1988; revised)

Department of Energy and Natural Resources – Department

of Agriculture Cooperative Working Agreement

The Illinois Department of Energy and Natural Resources (ENR) and the Illinois Department of Agriculture (DOA) agree to the following:

1. ENR shall notify the DOA in writing of all state-funded capital projects where it would be purchasing parcels of agricultural land of more than ten (10) acres. No notification is required if a project is located within a municipal boundary or within a one and one-half mile planning area of a comprehensive plan, if one exists, of a municipality. The DOA shall be notified if land is purchased by the three scientific surveys (Geological, Natural History and Water Survey) and the Illinois State Museum, however, land purchased by the three scientific surveys and the State Museum shall not be subject to the DOA's Study of Agricultural Impacts. For state funded capital projects requiring parcels of agricultural land of more than ten (10) acres, ENR will provide information in accordance with 8 Ill. Adm. Code 700.APPENDIX A, EXHIBIT B, "Project Proposal Information Requirements," to the DOA as necessary to make a determination of conflicts with state policy.

2. The opportunity shall be provided to the DOA to review projects funded through the Illinois Coal Development Bond Act before a contract is entered into with the applicant. DOA shall not publicize or circulate its comments beyond the DOA, ENR, and the Governor's Office.

3. The DOA shall complete its Study of Agricultural Impacts within a 30-day period after receiving the required information from the ENR in accordance with 8 Ill. Adm. Code 700.APPENDIX A, EXHIBIT B. The DOA shall follow the guidelines for review of the project proposals contained in its Agricultural Land Preservation Policy when conducting its review. Furthermore, ENR will not release information to the general public relative to a final decision on a project site(s) which falls under the DOA's purview until the official Study of Agricultural Impacts has been completed.

4. ENR shall follow the mitigation procedures outlined in its Agricultural Land Preservation Policy. The DOA shall be notified in writing of the purchase of any agricultural research farms.

5. ENR shall notify the DOA of any agricultural land donated to the agency. Donated land shall not be subject to DOA review.

6. ENR shall notify the DOA in writing of all proposed changes in policies and procedures that alter the existing agreement. If deemed necessary by both agencies, a new agreement shall be negotiated in accordance with the Act and these rules.

7. This Cooperative Working Agreement, ENR's Agricultural Land Preservation Policy and the Farmland Preservation Act shall be the governing documents for ENR's farmland preservation policies.

(October 1988; revised)

(Source: Amended at 13 Ill. Reg. 10489, effective June 16, 1989)