**Section 1540.10 Distribution and Sale of Plants and Plant Materials**

a) Each year the Division of Forest Resources of the Department of Natural Resources distributes and/or sells plants and plant materials to Illinois landowners for conservation plantings. Orders will be accepted if the buyer signs an application which verifies that the use of the plants and plant materials will be in accordance with Section 6 of "AN ACT in relation to State forests, operation of State nurseries, and providing penalties in connection therewith" (Ill. Rev. Stat. 1985, ch. 96½, par. 5907). Orders with approved management plans pursuant to Section 1540.40, may be submitted from June 1-March 31. Arbor Day orders and orders without approved management plans may be submitted from February 2-March 31. Orders may be placed by contacting the Division of Forest Resources, 524 S. Second Street, Springfield, IL 62706.

b) Lists of available plants and plant materials are printed annually. The general public will be advised about the program through the news media by August 31. Copies of the price lists and order forms are distributed to: The Soil Conservation Service, the Extension Service, the Agricultural Stabilization Service and Department of Natural Resources offices statewide.

c) Plants and plant materials are distributed and/or sold on a first-come, first serve basis, except for the following:

1) Orders for Department owned or managed lands submitted from June 1-September 30 will receive priority over all orders submitted during this time period.

2) Orders for Department owned or managed lands submitted from October 1-February 1 will receive priority on a daily basis. Orders for Department owned or managed lands will be sorted from the orders received on a given day and processed against available inventory before other orders are processed.

3) No priority will be given to any orders received after February 1.

4) Programs approved by the Director of the Department of Natural Resources (Department) which foster conservation practices in accordance with Sections 63a1 and 63a2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1985, ch. 127, pars. 63a1 and 63a2) or 17 Ill. Adm. Code 1536.30 shall be given priority for the distribution and/or sale of plants and plant materials. If a program is approved by the Director, plants and plant materials shall be reserved and distributed and/or sold on a first-come, first serve basis for those program participants from June 1-February 1. After that date, the remaining reserved (except Arbor Day plants and plant materials) plants and plant materials shall be made available to all purchasers pursuant to Section 6 of the "State Forests" Act (Ill. Rev. Stat. 1985, ch. 96½, par. 5907) on a first-come, first-serve basis.

5) When plant and plant materials must be purchased, payment must be sent with the order. Orders are shipped as early as possible during the Spring. Unfavorable weather conditions may prevent or delay the lifting and shipment of plants and plant materials. The nurseries can not guarantee shipment by any specific date. Orders are shipped starting with the southern counties and working north as weather conditions permit planting. This may result in later orders being shipped prior to an early order. Transfer of stock from one nursery to the other is not available.

d) *Plants and plant material for sale pursuant to Section 6 of the Act (orders without approved management plans) to the general public, mining companies, other industries and agencies of the Federal Government shall be sold at a price approximately equal to the cost of acquisition and/or production and distribution as determined pursuant to Section 1540.20.* (Ill. Rev. Stat. 1985, ch. 96½ par. 5907).

e) The Department of Natural Resources reserves the right to cancel orders or parts of orders if stock production falls below anticipated levels because of insect problems, disease problems, and unfavorable weather conditions that affect growth and/or processing. Substitutions, in the event that an advertised species is lost because of problems during the growing and/or over-winter season(s), shall only occur in the packets. If a landowner has indicated a second choice on his/her order blank and that plant or plant material is still available, the second choice shall be substituted unless the second choice is incompatible with the geographic location of the planting site. Purchasers may cancel orders by April 15 and receive a full refund. If April 15 is a non-scheduled workday, cancellations for refunds will be accepted on the first scheduled workday following April 15. Cancellations after April 15 will not be issued refunds. Orders cancelled by the Department for any reason will be refunded.

f) All areas planted with materials secured from the State nurseries must be protected from wildlife (fire can be utilized as a management tool; i.e., prescribed burning of prairies, savannas, wetlands and forest ecosystems as a control for diseases, to improve and enhance wildlife habitat, etc.), domestic livestock trespass and grazing. (Ill. Rev. Stat. 1985, ch. 96½, par. 5907).

g) The minimum number of plants that can be ordered, for non-department owned or managed lands, shall be 250 of any one species or one packet.

h) A completed order form must accompany each planting location. A planting location is considered to be all landholdings within a county. No orders can be picked up until notification has been received from the nursery that the orders are ready.

i) Standby orders will be accepted for sold-out species. If inventory overruns or cancellations occur standby orders will be filled on a first-come, first-serve basis. Where applicable, a bill for the plant or plant materials will be sent upon the filling of a standby order. Payment for the plants and plant material must be received within 10 working days of the mailing date. Failure to return payment will result in cancellation of the standby order.

j) The Department may effect exchanges, purchases or sales involving plants and plant materials with other states, through the appropriate State Forestry Agency, or agencies of the Federal Government.

(Source: Amended at 12 Ill. Reg. 5296, effective March 8, 1988)