

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 528
LANDOWNER PERMITS

Section	
528.10	Definitions
528.20	Eligibility for Landowner/Tenant Permits
528.30	Landowner/Tenant Permits
528.40	Landowner/Tenant Permit Fees
528.50	Initial Application and Verification
528.60	Recertification and Continued Eligibility
528.70	Permit Application or Recertification Deadline
528.80	Denial of a Permit

AUTHORITY: Implementing and authorized by Sections 2.11 and 2.26 of the Wildlife Code [520 ILCS 5].

SOURCE: Adopted at 41 Ill. Reg. 8513, effective June 28, 2017; amended at 45 Ill. Reg. _____, effective June 23, 2021.

Section 528.10 Definitions

"Bona fide current income beneficiary" means, an individual who, at the time of application for a permit:

is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income; and

is listed by name in the trust documents as an income beneficiary.

"Bona fide equity member" means an individual who:

became a member upon the formation of the limited liability company, or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act [805 ILCS 180]; and

intends to retain the membership for at least 5 years.

"Bona fide equity partner" means an individual who:

became a partner, either general or limited, upon the formation of the partnership, or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

intends to retain ownership of the partnership for at least 5 years; and

is a resident of Illinois. Nonresident partners cannot receive permits under this Part.

"Bona fide equity shareholder" means an individual who:

purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

intends to retain ownership of the shares of stock for at least 5 years.

"Commercial agriculture" means utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other nonagricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

"Immediate family of a landowner, tenant, or a bona fide current income beneficiary" means, and is limited to, the spouse, children, brothers, sisters and parents permanently residing on the same property as the landowner, tenant, or bona fide current income beneficiary.

"Landowner permit", "tenant permit" or "property only hunting (POH) permit" means any permit issued under this Part to any individual or entity for purposes of hunting only on the property owned or leased by that individual or entity.

"Tenant" means, for purposes of this Part, an Illinois resident who rents 40 acres or more of land for commercial agricultural purposes under an agreement with a landowner.

(Source: Amended at 45 Ill. Reg. _____, effective June 23, 2021)

Section 528.20 Eligibility for Landowner/Tenant Permits

- a) Qualified applicants are limited to:
- 1) Landowners of 40 acres or more of land and their immediate families, resident tenants renting or leasing 40 acres or more of commercial agricultural land and their immediate families, and bona fide current income beneficiaries of a trust that owns 40 acres or more of land and their immediate families. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered a basis for a permit for the shareholders, members or partners as bona fide current income beneficiaries of the trust. No one may apply for or be issued both a landowner permit and a tenant permit.
 - 2) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies or bona fide partners of partnerships owning 40 or more acres of land in a county. For applicants eligible for permits under this Part:
 - A) Only one permit per 40 acres, for a maximum of 15 permits per county, for corporations and limited liability companies, and a maximum of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies or partnerships.
 - B) Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered a basis for a permit for the shareholders, members, beneficiaries or partners of the lessee.
- b) For the purposes of calculating acreage, *the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre* [520 ILCS 5/2.11 and 2.26].
- c) A hunting rights lease, or other nonagricultural lease, is not valid as a basis for obtaining a landowner permit.

(Source: Amended at 45 Ill. Reg. _____, effective June 23, 2021)

Section 528.30 Landowner/Tenant Permits

- a) Qualified applicants may apply for:
 - 1) Combination firearm deer permit (1 either-sex and 1 antlerless-only permit) (available only for counties open to firearm deer hunting);
 - 2) Combination archery deer permit (1 either-sex and 1 antlerless-only permit);
 - 3) 1 fall firearm turkey permit (available only for counties open to fall firearm turkey hunting);
 - 4) 1 fall archery turkey permit; and
 - 5) 1 spring turkey permit (valid for all 5 regular spring turkey seasons).
- b) Landowners need to submit only one permit application to apply for all permits listed in subsection (a).
- c) Landowner permits are not subject to the public lottery process.
- d) All landowner permits issued under this Part are valid on all properties owned by that permittee, regardless of in which county the property is located, so long as that county is open for the specific hunting season for which the permit is issued. This includes all permits issued to:
 - 1) A landowner, tenant, bona fide current income beneficiary, or the immediate family of a landowner, tenant, or income beneficiary; or
 - 2) A bona fide equity shareholder, bona fide equity member, or bona fide equity partner and on all lands owned by the corporation, limited liability company or partnership.
- e) All tenant permits issued under this Part are valid only on lands rented/leased for commercial agriculture in the counties open for the specified hunting season.
- f) Illinois landowners or tenants who do not wish to hunt only on the land they own, rent or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant.
- g) For firearm deer and fall firearm turkey hunting seasons, individuals who have received a landowner permit, or who have submitted application for a landowner permit that is still pending, may not apply for additional permits in the First or Second Lottery Drawing for that season. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits. (See 17

Ill. Adm. Code 650 and 715.)

- h) For spring turkey hunting seasons, individuals who have received a landowner permit, or who have submitted an application for a landowner permit that is still pending, may not apply for additional permits in the First Lottery drawing for that season. Landowners who receive permits in the First Lottery drawing are not eligible for landowner permits.

(Source: Amended at 45 Ill. Reg. _____, effective June 23, 2021)

Section 528.40 Landowner/Tenant Permit Fees

- a) Landowner permits are free to all qualified Illinois residents.
- b) Annual fees for nonresident Illinois landowner permits shall be as follows:
 - 1) Combination firearm deer permit (1 either-sex and 1 antlerless-only permit) – \$175
 - 2) Combination archery deer permit (1 either-sex and 1 antlerless-only permit) – \$210
 - 3) Fall firearm turkey permit – \$37.50
 - 4) Fall archery turkey permit – \$25
 - 5) Spring turkey permit – \$37.50

Section 528.50 Initial Application and Verification

- a) The first time an individual applies for landowner permits based on property ownership or for a farm-related tenancy agreement, the applicant must fill out and sign an application to identify the landowner/tenant (including the landowner's/tenant's tax parcel ID number), verify eligibility, and specify which permits are requested.
- b) For applications, proof of ownership must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed, recorded/file stamped by the County Recorder or County Clerk;
 - 2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;

- 3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner, or the person signing the application appears as landowner);
 - 4) Submittal of a copy of a current Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement that indicates the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- c) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership (see subsection (b)), a copy of one of the following:
- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved, and a statement that the lease is for agricultural purposes; or
 - 2) A copy of a current Farm Service Agency 156EZ form.
- d) For applications made based upon lands owned by a corporation, limited liability company or partnership, the items listed in subsections (d)(1) and (d)(2) must be attached to the application upon submittal to the Permit Office.
- 1) A duly authorized officer of the corporation, limited liability company or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must:
 - A) identify the applicant as a bona fide equity shareholder, member, or partner, as defined in Sections 528.10 and 528.20;
 - B) provide authorization to hunt; and
 - C) declare that no more than 15 authorizations will be requested per county for the corporation or limited liability company and no more than 3 authorizations will be requested per county for partnership lands.
 - 2) In addition:

- A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation or corporate agreement.
 - B) Limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement.
 - C) Limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification.
 - D) General partnership applicants must submit a copy of the partnership agreement.
- e) For applications made based upon lands owned by a trust, the items listed in subsection (1) and (2) below must be attached to the application upon submittal to the Permit Office.
- 1) A duly authorized trustee of the trust must sign a notarized statement authorizing, in accordance with their authority under the trust, the applicant to hunt on the trust lands for which a permit is being requested. This statement must:
 - A) identify the applicant as a bona fide current income beneficiary, as defined in Sections 528.10 and 528.20; and
 - B) provide authorization to hunt.
 - 2) A copy of the trust documents that holds title to the land.
- f) Application forms are available on the Department's website at www.dnr.illinois.gov and in person at One Natural Resources Way, Springfield IL.
- g) Applications and accompanying documentation must be mailed to the permit office at:

Illinois Landowner Permit
Illinois Department of Natural Resources
P.O. Box 19227
Springfield IL 62794-9227

(Source: Amended at 45 Ill. Reg. _____, effective June 23, 2021)

Section 528.60 Recertification and Continued Eligibility

- a) After receiving landowner permits:
 - 1) Illinois residents remain eligible for 5 years, if there is no change in ownership or residency affecting the permittee's eligibility for resident landowner permits.
 - 2) Nonresident Illinois landowners remain eligible for one year, if there is no change in ownership affecting the permittee's eligibility for nonresident landowner permits.
- b) If there is any change in circumstance affecting the permittee's eligibility for resident or nonresident landowner permits, the permittee must notify the Department of the change in circumstances by mailing notice to the address specified in Section 528.50(g).
- c) Any permits received after a permittee becomes ineligible for resident or nonresident landowner permits shall be returned, unused, to the Department (with the notice required in subsection (b) of this Section), by mail to the address specified in Section 528.50(g).
- d) If the permittee eligibility period expires and there has been no change in circumstance affecting the permittee's eligibility for landowner permits, the permittee may reapply for landowner permits by certification without submitting the additional documentation required of an initial applicant.
 - 1) The recertification will include:
 - A) Information sufficient to identify the individual, the ownership right (including the owner's tax parcel ID number), and the specific permits requested.
 - B) A signed certification stating: I, _____, certify no circumstances have changed that could affect my eligibility to receive landowner permits. I understand providing false information on this document is a Class A misdemeanor (see 520 ILCS 5/2.38). I understand that, if circumstances have changed or do change in the future that affect my eligibility for landowner permits, I have an obligation to notify the Department of the change and return any permits for which I am no longer eligible.

Based on my attestation that I still qualify for landowner permits, I am requesting the permits marked above.

- 2) The recertification form is available at the Department's website at www.dnr.illinois.gov and in person at One Natural Resources Way, Springfield IL.
- 3) The signed recertification form must be submitted within 90 days after the expiration date of the prior approved landowner permit. Failure to submit a timely recertification will not affect a landowner's eligibility for landowner permits, but landowners who do not submit a timely recertification must apply for permits in accordance with Section 528.50.

(Source: Amended at 45 Ill. Reg. _____, effective June 23, 2021)

Section 528.70 Permit Application or Recertification Deadline

To receive landowner permits for an upcoming season, the application or recertification required by Sections 528.50 and 528.60 must be received by:

- a) September 1 for fall turkey and fall deer permits; or
- b) March 9 for spring turkey permits for the 2021 season and February 9 for every season thereafter.

(Source: Amended at 45 Ill. Reg. _____, effective June 23, 2021)

Section 528.80 Denial of a Permit

- a) If a landowner's application or recertification is denied, the landowner will be issued a Notice of Denial through U.S. mail. An affidavit of mailing shall be proof that the notice was received. Notification will contain the factual and legal reason for the denial and shall be sent by standard U.S. mail.
- b) Any person who is denied a landowner permit shall have the right to appeal by filing 2 copies of a Petition for Hearing.
 - 1) Both copies of the Petition for Hearing shall be mailed to or filed with:

Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

- 2) Petitions must be sent to the Department and postmarked no later than 30 days after Notice of Denial was mailed for the petition to be considered.
- c) If no petition is mailed within 30 days to the Office of Legal Counsel, the denial will be considered final without further notice.
- d) The petition shall be styled "In Re the Landowner Permit Denial of (name), PETITION FOR HEARING". The petition shall contain sufficient facts in justification of a hearing and shall be signed by the Petitioner (person who was denied). The party filing the petition shall be designated the Petitioner. The Department shall be designated the Respondent.
- e) Procedure of the hearing will be according to the Department's rules for contested hearing at 17 Ill. Adm. Code 2530.