



# HB3105: Amendments to the Wrongful Tree Cutting Act (740 ILCS 185)

## *Allows conservation landowners to recover full costs of property damages*

Conservation areas are regularly damaged by illegal loggers, trespassers, and neighboring landowners. Owners of conservation lands (Forest Preserves, Park Districts, State agencies, nonprofits) cannot be compensated under Illinois law for costs they incur to remediate their properties to pre-damage conditions. HB3105 creates a legal mechanism through which conservation landowners can recoup these costs from those who damage their lands.

### ***Section 1: Adds definitions needed to accurately assess remediation costs on conservation lands***

- Defines stumpage value as the dollar value of timber as it stands in its uncut form.
- Defines 'protected lands' as being in the Illinois Nature Preserves system, owned by conservation land trusts or natural resource agencies, or privately-owned and subject to conservation restrictions.
- Defines professional foresters and ecologists who can assess damages to conservation areas.

### ***Section 2, 2.5 (new), 2.6 (new), 2.8 (new): Allows conservation landowners to recoup remediation costs***

- Requires anyone who illegally cuts timber on conservation land to pay remediation costs sufficient to repair conservation land to its previous condition.
- Defines 'remediation costs' as cleaning up timber debris, stabilizing soils, repairing damage to still-standing vegetation, replacing removed vegetation, controlling nuisance plants, and associated administrative costs.
- Authorizes a 'remediation plan' to guide court-ordered repairs of conservation lands.
- Restricts plaintiffs from seeking multiple remedies for individually cut trees through the Wrongful Tree Cutting Act (must decide to pursue remediation costs or not).

### ***Section 3, 3.5 (new): Directs courts on how to determine remediation costs***

- Allows plaintiffs to recover costs of assessing lost timber values and land damages.
- Allows courts to commission 3 appraisals of timber losses by professional foresters and/or remediation plans by professional biologists.
- Allows courts to assign costs of conducting appraisals and remediation plans.
- Allows courts to ask IDNR for assistance securing and reviewing appraisals and remediation plans.

### ***Sections 4, 4.5 (new), & 4.7 (new): Instructs courts and IDNR on how to administer legal findings***

- Gives IDNR 90 days, instead of 30 days, to conduct timber value appraisals and another 90 days to convey them to the court with its findings.
- Allows legal parties to conduct appraisals separately from IDNR's involvement.
- Authorizes court to determine adequacy of appraisals, remediation plans, and associated findings.
- Authorizes court to award monetary value of completing the remediation plan to plaintiffs.
- Requires awards attributable to remediation costs to be used only for remediating impacted conservation lands.