



## C.P.R. for Wetlands: *Conserve, Protect, and Restore* Breathing new life into our sense of place

### Community Involvement in Wetland Protection NORTHEASTERN ILLINOIS

#### ***Introduction***

Illinois has lost over 90% of the wetland habitats that formed the backbone of the state's aquatic ecosystems, and the vast majority of wetlands within the Great Lakes basin have been filled and developed. Despite these losses, the Chicago region supports over 99,000 acres of wetlands in six counties, and over 70% of state threatened or endangered mammals, reptiles, and birds depend on wetlands. These habitats continue to protect property from flooding and erosion, and also enhance water quality. Besides boosting quality of life and property values for the millions of people who live in the region, wetlands form the basis for the \$600 million outdoor recreation industry in Illinois, funded by income from hunting, birdwatching, and other outdoor recreational activities.

#### ***Regulations***

The state of Illinois has a long foundation of supporting the public trust doctrine, a principle that states that certain benefits provided by natural resources are held in trust by the government for all people of the state. Clearly, wetlands provide public benefits and no individual, business, or governmental agency has the unrestricted right to alter the natural character of wetlands, as alterations may pollute the water, increase flooding, destroy habitat, or cause other harm.



*Photo courtesy of Victor Crivello*

#### ***Federal***

Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act provide the regulatory framework for the federal government's role in regulating activities that impact wetlands. The federal program is administered by the U.S. Army Corps of Engineers (Corps) with oversight by the U.S. Environmental Protection Agency (EPA). In addition to this wetland regulatory program, the federal farm programs, the Endangered Species Act and other sections of the Clean Water Act (Section 401 – Water Quality Certification and Section 402 – National Pollution Discharge Elimination System) can help protect wetlands.

Despite the protections traditionally provided by the Clean Water Act, a recent Supreme Court decision and subsequent guidance issued by the Corps and EPA has removed some Illinois wetlands from federal protection. These wetlands are now wholly reliant on the state and local programs described below for protection.

#### ***State***

The Illinois Department of Natural Resources (DNR) holds regulatory authority under the Rivers, Lakes, and Streams Act, which requires a permit for any construction in floodways and public bodies of water, and for construction of dams. The law is generally less restrictive than the federal 404 program. The Illinois Environmental Protection Agency (IEPA) regulates projects under the state Pollution Control Board statutes, and assumes responsibility for Water Quality Certification under federal Section 401. Additionally, the Interagency Wetland Policy Act of 1989 places special restrictions on construction funded from state sources or on state property.

Illinois has a joint permit application that streamlines the process of applying for a dredge or fill permit. The application is sent to the Corps, IEPA, and DNR for concurrent consideration under all relevant laws.

At this point, the agencies publicize the permit application and citizens have the opportunity to comment. Certain activities considered “insignificant” by the Corps can avoid this permitting process under the nationwide permit program.

A bill currently under consideration by the Illinois General Assembly, the Wetland Protection Act (HB 422), would provide state protection for wetlands that are not regulated by the Corps. This bill has passed the Illinois House and is pending in the Senate.

### **Local**

DuPage, Lake, and Kane counties in northeastern Illinois have ordinances designed to protect watersheds that are implemented by local stormwater management agencies. There are many other non-regulatory efforts, such as the Chicago Wilderness initiative, supported by local governments and planning groups that help to protect and restore wetlands.

### **What You Can Do**

Federal, state, and local regulations provide many opportunities for citizens to participate in wetland protection activities. Here are nine ways you can get involved:

- Review and comment on public notices of wetland dredge and fill permit applications by contacting the state and federal offices listed below;
- Encourage your state legislators to support policies that help protect and restore wetlands and oppose those that encourage wetland destruction.
- Educate yourself and others about the importance of wetlands and how to protect them. A good starting point is the Biodiversity Recovery Plan published by Chicago Wilderness at [www.chicagowilderness.org/pubprod/brp/index.cfm](http://www.chicagowilderness.org/pubprod/brp/index.cfm);
- Encourage your municipality to become a member of the Chicago Wilderness coalition and incorporate its principles into local planning;
- Help to establish a local wetland protection ordinance;
- Promote proper wetland stewardship among private landowners;
- Get involved in community-based wetland restoration projects;
- Participate in wetland management, such as removal of invasive species, on public lands; and
- Promote permanent protection through conservation easements and purchase of properties containing wetlands.



*Photo courtesy of Lake Michigan Federation - Joel Brammeier*

### **Where to Go for More Information**

If you'd like to get involved with wetland protection and restoration locally, contact the Lake Michigan Federation at (312) 939-0838 or [chicago@lakemichigan.org](mailto:chicago@lakemichigan.org) for opportunities in your community. You can also get contact information for a wide variety of organizations working on local wetlands protection by accessing the Chicago Wilderness coalition at [www.chicagowilderness.org](http://www.chicagowilderness.org).

For information on the federal wetland regulatory program, contact the Chicago District of the Corps at (312) 846-5530, or check the website at [www.lrc.usace.army.mil](http://www.lrc.usace.army.mil) to review current permit applications. If you live outside of the six-county Chicago region, you can find your local Corps office at [www.usace.army.mil](http://www.usace.army.mil).

For general information on the ecology and regulation of Illinois wetlands, and to receive updates when wetland permit applications are filed, contact the Illinois DNR Office of Water Resources at (217) 782-3863. You can visit the state's wetlands page at [dnr.state.il.us/wetlands](http://dnr.state.il.us/wetlands).

For specific information on the state's role in preventing pollution through enforcement of Clean Water Act Sections 401 and 402, contact the regional office of Illinois EPA at (847) 294-4000, or check the website at [www.epa.state.il.us/water](http://www.epa.state.il.us/water).

You can contact your local zoning or stormwater management agency in northeastern Illinois to learn about any wetland ordinances in effect in your neighborhood, or to ask about adoption of a new ordinance.