

Illinois State Wetland Program Summary



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Section A. Quick View

Description of State's Wetlands

Palustrine wetlands such as bottom-land hardwood forests and bald cypress swamps are the most abundant, occupying approximately 1.17 million acres (just under 93.7 percent of the total wetland acres). About 50 percent of these acres are found in southern Illinois where large cypress swamps can still be found along the Cache River. Lacustrine wetlands are the next most abundant in the state, occupying just over 50,000 acres (around 4 percent of the overall wetland acreage). Most of these wetlands are located in central Illinois. The remaining are riverine wetlands (approximately 2.3 percent) occupying just over 29,000 acres.

State Definition of Wetlands

The Illinois' Interagency Wetland Policy Act of 1989 adopted the Federal 1987 definition of wetlands, defining a wetland as, "land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions."

Historic Wetland Loss/Gain

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
8,212,000	1,254,500	6,957,500	85%

Primary State Wetlands Webpage

Illinois Department of Natural Resources Wetland Page
<http://dnr.state.il.us/wetlands/>

Illinois Environmental Protection Agency 401 Certification Webpage
<http://www.epa.illinois.gov/topics/forms/water-permits/index>

State Wetland Program Plan

The state of Illinois does not currently have a state wetland program plan.

No Net Loss/Net Gain Goal

The Illinois Interagency Wetland Policy Act of 1989 requires that state projects and state funded projects must achieve a goal of no net loss of wetlands.

State Resources for Wetland Work

State Name	Core element #1: Regulation	Core Element #2: Monitoring and Assessment	Core Element #3: Wetland Water Quality Standards	Core Element #4: Voluntary Wetland Restoration
Source	Illinois Dept. of Natural Resources (IDNR)	None (IEPA was receiving some federal funds)	Illinois Environmental Protection Agency (IEPA)	Multiple Agencies (including
Amount	Unknown	Federal funding was cut	IEPA was setting up an IBI; status Unknown	Unknown
FTE	1.5 FTE	University of Illinois – Prairie Institute	Unknown	Unknown
Source	Illinois Environmental Protection Agency (IEPA)	University of Illinois – Prairie Institute		
Source	County funds	Unknown		
Amount	Unknown	Unknown amount of funding for assessment and evaluation of IDOT fieldwork		
FTE	Unknown	Unknown		
Amount	Unknown	Unknown		

Note: In the past, IDNR also received funding to participate in a critical trends assessment that included wetlands.

State Permitting Fees

State Permitting Fee	State Name
Yes/No	YES
Amount (range)	\$250-\$10,000
Agency	Illinois EPA

Innovative Features

Illinois Department of Natural Resources (IDNR) has had its greatest success working collaboratively with Illinois Department of Transportation (IDOT) to restore wetlands through mitigation banking projects and then transfer those to IDNR for management as public lands. Examples include 1,600 acre bank becoming public lands and the transfer of another 4,200 acre property to IDNR as public lands that has won a number of restoration awards.

Models and Templates

None.

Section B. Regulation

How are Wetlands Regulated in Illinois?

The Interagency Wetlands Policy Act of 1989 (IWPA) established a wetland regulatory program separate from the federal §404 permitting program under the Clean Water Act (CWA). However, state regulation of wetlands on private lands occurs primarily under CWA §401.

The IWPA authorizes the Illinois Department of Natural Resources (IDNR) to regulate state-funded projects and activities that impact state wetlands. Mandated state agency representation includes: Illinois Department of Natural Resources, Illinois Department of Agriculture, Illinois Environmental Protection Agency, Illinois Historic Preservation Society, the Capitol Development Board, the Department of Commerce and Community Affairs, and the Illinois Department of Transportation Bureau of Design and Environment. Additionally, Natural Resources Conservation Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency are part of the Committee. The Committee meets several times a year. Most of the projects that are approved by the state are limited to projects that seek to expand existing infrastructure, rather than new projects.

While most regulation of wetlands on private lands occurs at the local level, five government agencies regulatory authority over wetlands in Illinois, working cooperatively on protection.

Two state agencies are involved in wetland protection at the state level:

- Illinois EPA (IEPA) receives its authority from Section 401 of the CWA. IEPA's Watershed Management Section (WMS) sets water quality standards in Illinois and administers the state's §401 certification program.
- The Illinois Department of Natural Resources (IDNR) receives most of its authority from the Interagency Wetlands Policy Act of 1989 (IWPA) and peripheral authority through the state's Rivers, Lakes, and Streams Act (RLSA). IDNR only regulates public lands.

Wetland Delineation

Delineation Guidance	Yes	No	Detail
Use State's Own Method		X	
Use Corps' 87 Manual and Regional Supplement	X		
Other (Please describe)		X	

Evaluation Methodology

The 1987 Corps manual is used throughout the state. Additionally, in the northeast counties of Illinois, there are updated manuals for these “ADID counties,” counties which has had at least some portion of authority for the §404 program delegated through a general permit of some kind.

Exempted Activities

Same as federal exempted activities; except that all wetlands are regulated in Illinois, not just wetlands greater than 1/10 acre.

Special Provisions for Agriculture and Forestry

The Interagency Wetland Policy Act of 1989 provides limited exemptions for agricultural and silvicultural practices and some wetland management actions on State wildlife management areas.

Penalties and Enforcement

The state does not have any specific penalties other than a non-compliance finding. The state defers to the Corps to on §404 enforcement and compliance issues. The Illinois Environmental Protection Agency (IEPA) is the only state agency with enforcement capacity.

Permit Tracking

The Illinois Environmental Protection Agency (IEPA) has two separate databases that track §401 permitting and mitigation requirements. Illinois Department of Natural Resources (IDNR) does not have one specific data source.

State General Permit (statewide vs. regional coverage)

Permit Coverage	Yes	No	Detail (Type of Permit)
Regional General Permit		X	
Statewide General Permit		X	

Assumption of 404 Powers

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption	X		Assumption was explored in the 1990s but was found to be too expensive

Joint permitting

No.

Special Area Management Plans and Advanced Identification Plans

ADID studies have been completed and/or revised for counties in northeast Illinois.

Buffer Protections

There are no specific state policies or protections for buffers; however, the state does provide partial credit for the buffers through the mitigation process.

Mitigation Policy

To accomplish “no net loss,” the IWPA established a review process for all projects being pursued by a state agency or being accomplished with state funds that have the potential to adversely impact a wetland. Projects must first be reviewed by IDNR to determine whether a wetland impact will occur; if it is determined there will not be an impact, the project will be approved and funds may be released. If an impact is expected to occur, the agency requesting approval must create a plan detailing how it will compensate for the impact before the project may move forward. The administrative rules of the IWPA establish guidelines for wetland compensation plans and include a set of mitigation ratios. Adverse wetland impacts are compensated by a ratio applied to the size of impact and location of compensation relative to the impacted wetland. The ratio varies from 1:1 to 5.5:1. Each state agency is authorized to establish a Wetland Compensation Account, which is a “system of accounting for wetland loss and compensation” that “reconcile[s] debits and credits established as the result of Wetland Compensation Plans.”

Mitigation Database

The State does not have a system to track wetland losses or gains.

Links to Regulatory Documents

Illinois Wetland Protection Act of 1989

<http://dnr.state.il.us/wetlands/ch6e.htm>

Lake County Stormwater Management Commission

<http://www.lakecountyil.gov/STORMWATER/Pages/default.aspx>

DuPage County Stormwater Management Planning Committee

<http://www.dupageco.org/swm/>

Section C. Monitoring and Assessment

Agency Responsible for Wetland Monitoring and Assessment

The only formal monitoring of field data in Illinois is occurring with Illinois Department of Transportation (IDOT) projects. Monitoring takes place for a required 5 years per site. Additional monitoring and assessment activities have been considered, but there are no resources to support these efforts currently. There is a lot of work on stream monitoring in the state as well.

Most wetland mitigation is going to wetland banks in the state now; meaning that the monitoring and assessment is conducted by the banks and shared by them in their mandatory reporting.

The Illinois Environmental Protection Agency (IEPA) is responsible for wetland monitoring and assessment in the state. IEPA developed a *Statewide Program for Wetland Monitoring and Assessment* in 2007 (<http://www.epa.state.il.us/water/water-quality/report-2007/WetlandFinalOct152007.pdf>).

The state’s wetland monitoring and assessment program builds upon the state’s wetland monitoring efforts of the Illinois Department of Natural Resources’ Critical Trends Assessment Program, conducted by Illinois Natural History Survey.

Mapping/Inventory

The state uses a tool called ECOCAT which incorporates NWI data into it. IDNR uses ECOCAT when reviewing applications. They also use an additional consultation program when assessing impacts to special resources. Update to NWI was done through Ducks Unlimited and IDNR was involved in a Natural History Survey to assess the accuracy of the update.

State Wetland Mapping Public Portal

None.

Wetland Classification and Assessment

- IDNR staff use “best professional biological judgment” to assess the success of mitigation and compensation efforts, as well as wetland impacts
- The Department of Natural Resources through its Critical Trends Assessment Program has implemented a volunteer program to conduct general environmental monitoring at 150 sites across the state over a 5-year period. Wetland assessment is one component of the process.

Statewide Wetland Monitoring Plan

None.

Overall Wetland Gain and Loss Tracking System

None at this time.

Wetland Monitoring and Assessment Characteristics

Level	None	Level 1	Level 2	Level 3
<i>Illinois</i>		U/K	U/K	U/K

Type	None	IBI	Conditional	Functional
<i>Illinois</i>		X	U/K	U/K

Frequency	None	Project Specific	Ongoing
<i>Illinois</i>		X	U/K

Participation in National Wetland Condition Assessment

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

Section D. Water Quality Standards

Wetland and Water Quality Standards

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
Wetland-specific Designated Uses		X Wetlands are covered in part under the Aquatic Life designation.			
Narrative criteria in the standards to protect designated wetland uses			X		
Numeric criteria in the standards based on wetland type and location to protect the designated uses			X		
Anti-degradation policy includes wetlands			X (some of the antidegradation standards are specific to wetlands)		

Description: Illinois has not adopted wetland-specific water quality standards (WQS). However, wetlands are subject to general use WQS, which “must be met in waters of the State for which there is no specific designation.” State WQS do not specify designated uses for wetlands; however, General Use Waters designated uses state that all waters that are not specified in another designated use category must meet the standards laid out in §302(B) of the state WQS. Wetlands are covered in part under the Aquatic Life designation. There are, however, anti-degradation standards specific to wetlands that set the state’s goal for no net loss of existing wetland acres or functional values as a result of state-supported activities. IEPA has been working on both narrative and numeric standards, as well as application of the antidegradation policy to wetlands, but whether they have been formally completed or adopted at this time is unknown. Due to budget cuts and a focus on land acquisition as a programmatic priority, little policy work has occurred recently.

Section E. Voluntary Wetland Restoration

Illinois offers several non-regulatory, incentive-based programs that provide private landowners the opportunity to preserve or enhance wetlands in ways not otherwise required by law. However, funding has been limited. Voluntary wetland restoration work is being conducted by both the Illinois Department of Natural Resources (IDNR) and the Natural Resources Conservation Service (NRCS) in Illinois. NRCS works with IDNR on private lands.

- **Illinois Farmland Assessment Act**

Illinois Office of Internal Revenue offers property tax relief to Illinois landowners and farmers for pastures, forests, open spaces (including wetlands), and other non-intensive uses of land. The FAA requires the Department of Revenue consider wetlands as open lands and assess them as such at "fair cash value" instead of as croplands. To be eligible for tax relief, the area must be a minimum of 10 acres in size and not in production during the year for which it is being assessed.

- **Illinois Conservation Stewardship Act**

This program was designed to encourage landowners to maintain unimproved land in order to protect limited environmental resources. The bill offers the incentive of reduced valuation for property taxes to landowners who were willing to commit to maintaining and managing unimproved land. Landowners who wish to receive the special valuation for unimproved land provided by this law are required to prepare a Conservation Management Plan according to rules developed by the Department of Natural Resources (DNR). Land eligible for enrollment includes, among others, five or more contiguous acres of unimproved land - unimproved land means woodlands, prairie, wetlands or other vacant and undeveloped land that is not used for any residential or commercial purpose that materially disturbs the land.

- **Illinois Special Wildlife Funds Grant Program**

This program is designed to preserve, protect, perpetuate and enhance non-game wildlife and native plant resources of this state through preservation of a satisfactory environment and an ecological balance. The funding for this program is provided by Illinois' taxpayers through contributions to the Illinois Wildlife Preservation Fund from their State income tax return. The Office of Resource Conservation's Division of Habitat Resources administers the Illinois Wildlife Preservation Fund Grant Program.

- **State Participation in the Conservation Reserve Enhancement Program**

The Illinois CREP program is one of the most successful in the nation. CREP is a successful partnership between federal, state, and local agencies; it is a voluntary, incentive-based approach to water quality and habitat issues. The entire Illinois River Basin is targeted with an emphasis on the 100-year floodplain. The goal of CREP is to establish conservation practices to reduce sedimentation and nutrients in the Illinois River while enhancing habitat to increase fish and wildlife populations. Landowners enroll eligible agricultural land in a Federal 15-year CRP contract and receive annual rental payments and cost-share incentives. Restored land corridors along the main stem of the Illinois River and its tributaries are securing a great amount of protection for water quality.

Types of Wetland Restoration Work Funded by the State:

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		Mostly federal funds being used at the state level
Private Land Restoration	X		Wildlife, Heritage
Public Land Restoration	X		IDNR, IDOT
Technical Assistance	X		IDNR, IEPA
Tax Incentives	Unknown		Maybe Illinois Farmland Assessment Act (Office of

			Revenue)?
Other	X		Reduced valuation of property taxes for nonuse of wetland areas on property that is included in a various plans

Voluntary Wetland Restoration Program Components

Wetland Restoration Efforts	Nothing in the Works	Planning	In Progress	Mature/ Complete
Program has a set of restoration goals				X
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes				X
Developed multi-agency body to coordinate restoration/ protection efforts	X			
Set restoration goals based on agency objectives and available information				X

Detail: The State of Illinois does not have one single, formal volunteer wetland restoration program. However, the state does have 4-5 various agencies that manage mature voluntary restoration activities that include wetlands. Some of these agencies do share goals. Some examples of this work include ecosystem-based projects, wildlife grants, grants for forest and park districts that apply to wetlands for public entities. Other non-state activities include district-level work with private landowners and nature reserves working with private landowners on projects that include wetland restoration work.

Goals for Restoration Projects

Among the agencies that are working on restoration activities, the following related goals are included in planning efforts:

Goal	Yes	No	Description
No Net Loss	Unknown		
Reverse Loss/Net Gain	Unknown		
Nonpoint Source Pollution (NPS)/WQ	Contact IEPA		
Total Maximum Daily Load (TMDLs)	Contact IEPA		
Habitat	YES		Habitat is the primary goal for both public and private restoration activities in the state

Coastal Protection	YES		A goal for state work along Lake Michigan
Floodwater Protection	YES		Integrated projects related to floodplain management (esp. along the Mississippi R)
Groundwater	Contact IEPA		
Other (please describe)		X	

Landowner Guides and Handbooks to Assist with Voluntary Wetland Restoration Efforts

Unknown.

Section F. Innovative and/or Highly Effective Education and Outreach

None. The state lost most of its wetland education staff due to budget cuts.

Section G. Climate Change and Wetlands

- The state has been engaged in climate change work. Much of this work has been focused in the Chicago area and has been done through coastal zone management efforts. There is a new administration coming in this spring and it is unknown how this will impact climate change work in the state.
- In Executive Order 2006-11, governor Blagojevich created the Illinois Climate Change Advisory Group. The group concluded its work in 2007, aided by the Center for Climate Strategies (CCS). As with almost all CCS pattern climate action plans, Illinois' plan is largely focused on greenhouse gas reductions (mitigation) and does not address building resiliency and preparing for climate change (adaptation).
- The state included climate adaptation planning in its update to the *Illinois Wildlife Action Plan*. This plan includes a wetland campaign, to improve the condition of existing natural and artificial wetlands, develop and manage additional wetland habitat, fill information gaps and develop conservation actions to address stresses, interagency cooperation and coordination to ensure programs do not have conflicting objectives, emphasizing multiple-resource benefits of wetland conservation, and increasing water quality education efforts in areas under high development pressure and/or within fragile geographic zones
<http://www.dnr.illinois.gov/conservation/iwap/documents/tncs%20il%20wap%20cc%20vul%20assessment.pdf>
- Illinois' *Green Infrastructure for Clean Water Act* required the Illinois Environmental Protection Agency to adopt comprehensive storm water management rules that meet certain requirements by July 1, 2012. Beginning in 2010, the agency is required to: implement a storm water permit fee program adequate to support the adoption and implementation of State storm water regulations as required by the Act; establish a Statewide standard for storm water management programs in order to transition toward the use of green infrastructure as the predominant storm water management strategy; review its rules on the distribution of money from the Water Revolving Fund; and endeavor to establish new criteria which prioritize the use of green infrastructure in all projects

involving storm water management and water efficiency. The fourth General Assembly finding was that “preserving and expanding *natural and built green infrastructure* can minimize negative impacts and enhance the resilience of water infrastructure and water bodies.”

- The City of Chicago has done extensive work on climate adaptation planning, urban design and the incorporation of green infrastructure into city planning.

Section H. Integration

Entity/Program Area	Yes/No	Description of the Connection
NPDES/Stormwater	X	Primary connections are in the Chicago and Metro East areas. Largely upper management in the state working with municipal/local government; especially focusing on navigational projects with restoration of wetlands included.
303(d)	Contact IEPA	
305(b) reporting on wetlands	Contact IEPA	
Total Maximum Daily Load (TMDLs)	Contact IEPA	
Climate Change/ Resiliency	X	Especially in the Chicago Area
Land Use /Watershed planning	X	
Flood/Hazard Mitigation	X	A lot of the state’s restoration work has been through major integration projects focused on floodplain management*
Coastal Work	X	Coastal work in the Chicago Area (re Lake Michigan)
Wildlife Action Plan	X	Wetlands are included in the plan
Statewide Comprehensive Outdoor Recreation Plan (SCORP)	X	The State’s SCORP incorporated the general IWPA goals, but nothing more specific. All projects checked for IWPA Compliance
Other (Specify)		

* Specific projects include the American Bottoms project, which is trying to manage flood attenuation, and the Upper Des Plaines (which includes collaboration between Wisconsin and Illinois), which drains into the Illinois River and eventually the Mississippi River. Although the projects are mostly funded by the CREP Program, state dollars are also invested in the projects. IDNR is the lead on this work for the state.

State Wetland Program Continuum

Continuum Stage		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Mature Stage	High	X IEPA 401 Certification + IDNR Public Lands Program Only			X 4-5 agencies with long-standing programs and a lot of accomplishments
Initial Implementation Stage	↑				
Development Stage					
Early Stage	Low		X	ASK IEPA	

Section I. Contact Information

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Section J. Useful Websites

State Government Programs

1. Illinois Department of Natural Resources
<http://www.dnr.illinois.gov/Pages/default.aspx>
 - a) Wetlands Program
<http://dnr.state.il.us/wetlands/>
 - i. Mitigation Banking
<http://dnr.state.il.us/wetlands/ch7a.htm>
 - ii. Regulations
<http://dnr.state.il.us/wetlands/ch4a.htm>
 - iii. Restoration
<http://dnr.state.il.us/wetlands/ch5a.htm>
 - iv. Interagency Wetlands Committee

1. USDA Natural Resources Conservation Service
Wetlands Reserve Program
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/il/programs/>

Other Organization Wetland Programs

1. University of Illinois, Illinois Natural History Survey
Wetland Science Program
<http://www.inhs.illinois.edu/research/wetlands/>
2. University of Illinois at Urbana-Champaign, Prairie Research Institute
Illinois State Geological Survey
<http://www.isgs.illinois.edu/sections/wetlands/topic.shtml>
3. The Wetlands Initiative
<http://www.wetlands-initiative.org/>
1. The Conservation Fund
 - a) Northeastern Illinois Wetlands Conservation Account
<http://www.conservationfund.org/projects/northeastern-illinois-wetlands-conservation-account/>
2. Ducks Unlimited
<http://www.ducks.org/illinois/du-receives-largest-grant-ever-for-illinois-wetlands-conservation>