



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: June 24, 2019

MEMO TO: John Wasik, Chair
Planning Committee

Agenda Item# 9.9

FROM: James L. Anderson
Director of Natural Resources

RECOMMENDATION: Recommend approval of a Resolution Requesting Regulatory Agencies in Wisconsin to Continue Collaboration with Lake County Agencies to Enforce and Improve Environmental Regulations to Offset Impacts from Further Development in the Fox River and Des Plaines River Watersheds.

STRATEGIC DIRECTIONS SUPPORTED: Conservation; Leadership; Communication; Education Outreach; Organizational Sustainability

FINANCIAL DATA: There is no financial impact.

BACKGROUND: The District has expended significant funds acquiring and restoring lands within the Fox River watershed and the Des Plaines River watershed. The District holds 10,483 acres in the Fox River watershed and 16,753 acres in the Des Plaines River watershed.

Within the past 15 years, these watersheds, due to climatic conditions, have seen an increase in the severity of precipitation events which has led to significantly different historic flood events, compared to previously modeled flood events within the watersheds. Additionally, increased development, including large industrial and office projects, has occurred in the watersheds over the past 15 years that has increased the amount of stormwater reaching the Des Plaines and Fox River watersheds.

Significant flood events in the past 5 years have inundated and impacted District preserves and property, public access to preserves and recreational trails, Nature Preserves, and state and federally listed endangered and threatened species populations. Other public areas not owned by the District, including the Chain O'Lakes State Park and the Fox River Waterway, have also experienced significant flooding events that have impacted recreational use on the Fox River. In 2017, the Des Plaines River Canoe Marathon was cancelled due to significant flooding.

Recently, in response to a development in Wisconsin, the Lake County Stormwater Management Commission (SMC) was directed by its Board to investigate the impacts of development in Wisconsin. SMC hired a consulting firm that determined that, because of different and less restrictive ordinances in Wisconsin, Lake County was being negatively impacted by increased stormwater caused by development in Wisconsin. The less restrictive Wisconsin ordinances govern land that is upstream from District land, but within the Fox River watershed and the Des Plaines River watershed. District staff recommends that the District Board approve a resolution requesting that Wisconsin regulatory agencies follow recommendations made by SMC's consultant and update their hydrological information to include more recent and significant storm events, so that their ordinances and regulations can match those in Lake County and reduce potential flooding impacts.

REVIEW BY OTHERS: Executive Director, Chief Operations Officer, Corporate Counsel.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR JULY MEETING
JULY 10, 2019**

MISTER PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **PLANNING COMMITTEE** presents herewith “A Resolution Requesting Regulatory Agencies in Wisconsin to Continue Collaboration with Lake County Agencies to Enforce and Improve Environmental Regulations to Offset Impacts from Further Development in the Fox River and Des Plaines River Watersheds,” and requests its approval.

PLANNING COMMITTEE:

Date: 06-24-19 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

PRESENT; 1

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**A RESOLUTION REQUESTING REGULATORY AGENCIES IN WISCONSIN TO
CONTINUE COLLABORATION WITH LAKE COUNTY AGENCIES TO ENFORCE
AND IMPROVE ENVIRONMENTAL REGULATIONS TO OFFSET IMPACTS FROM
FURTHER DEVELOPMENT IN THE FOX RIVER AND DES PLAINES RIVER
WATERSHEDS**

WHEREAS, the Lake County Forest Preserve District (the “District”) has been an active member in collaborative watershed programs with Wisconsin regulatory agencies over the past twenty years including the Southeast Fox River Partnership, Fox River Ecosystem Partnership, Des Plaines River Ecosystem Partnership, Upper Des Plaines River Flood Reduction Project Phases I & II, and Des Plaines River Watershed Workgroup; and

WHEREAS, the District has expended significant funding for the acquisition and restoration of depressional wetlands, flood prone areas, flood plain, and floodway and the restoration of native plant communities to reduce flooding from storm events, increase infiltration and improve water quality and supply; and

WHEREAS, the District has collaborated with Illinois State and Federal Agencies to implement large scale habitat restoration projects that include significant wetland restoration that provides flood storage within the Des Plaines River and Fox River watersheds (the “Watersheds”); and

WHEREAS, the District is an active member of the Lake County Stormwater Management Commission’s (“SMC”) Technical Advisory Committee and collaborates with SMC to review and update SMC’s Watershed Development Ordinance as new data and regulations are made available; and

WHEREAS, because of climatic conditions, the severity of precipitation events has increased, leading to significantly different historic flood events within the Watersheds, compared to previous models for published base flows for the Watersheds; and

WHEREAS, increased development, including large industrial and office projects, has occurred in the Watersheds over the past 15 years that has increased the amount of stormwater reaching the Watersheds; and

WHEREAS, the District strongly encourages regulatory agencies in Wisconsin to follow Chicago Metropolitan Planning Area’s (“CMAP”) goal of having an **“Integrated Approach To Water Resources”** and to comply with the following CMAP recommendations (the “CMAP Recommendations”):

1. Protecting and enhancing the integrity of the region’s aquatic systems will require incorporating better water resource management into local planning, optimizing water infrastructure investment, and addressing the unique challenges of Lake Michigan and its tributaries.
2. Reducing flood risk begins by updating our understanding of the areas at most risk of flooding in order to improve readiness. It will also require investments in gray and green infrastructure and addressing flood vulnerability and stormwater management in current and future transportation assets; and

WHEREAS, the District strongly encourages regulatory agencies in Wisconsin to comply with the following SMC recommendations (the “SMC Recommendations”):

1. to update and manage the conditions within the Watersheds, a comprehensive and collaborative floodplain mapping effort should be undertaken by the Federal Emergency Management Agency (“FEMA”) partners designated for each state (Wisconsin Department of Natural Resources and Illinois State Water Survey, with Illinois Department of Natural Resources consultation) that spans the state boundary and actively involves all stakeholders;
2. to accommodate the trend of stormwater storage deficit within Wisconsin, (a) flood storage districts should be designated for the Watersheds, (b) compensatory storage should be required for all fill within the floodplain for all projects, (c) displacement of existing depressional storage in an affected Watershed should be compensated for, within the same Watershed, during land development and transportation projects, and (d) stormwater detention storage should be provided in Wisconsin, at a rate and volume equivalent to SMC requirements;
3. to achieve the “no net loss” watershed objective, (a) mitigation for wetland impacts in the Wisconsin areas of the Watersheds should be replaced within the Watershed where the impact occurred, including all impacts by Wisconsin Department of Transportation projects and (b) mitigation projects funded by the Wisconsin Wetland Conservation Trust in-lieu fee program should be located within the same Watershed, if not sub-Watershed, as the original project that caused the wetland impacts,;
4. to prevent further water degradation of the Des Plaines River and Fox River, (a) require comprehensive soil erosion and sediment controls on all construction and transportation projects, (b) implement rigorous enforcement inspections to verify compliance, and (c) issue citations for violations and utilize legal and financial tools as necessary to achieve compliance; and
5. comply with the recommendations put forth in the US Army Corps of Engineers’ Des Plaines River and Tributaries Phase II Study and implement ecosystem restoration flood reduction sites identified in the study;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois THAT:

Section 1. Recitals. The recitals set forth above are incorporated as a part of this Resolution by this reference.

Section 2. Request for Collaboration. The District hereby requests that Wisconsin state and local public agencies collaborate with the District, SMC, and other Lake County public agencies to offset impacts from further development within the Watersheds by complying with the CMAP Recommendations and SMC Recommendations.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this _____ day of _____, 2019

AYES:

NAYS:

APPROVED this _____ day of _____, 2019

Angelo D. Kyle, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____