



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0634

Introduced 1/28/2005, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

New Act
615 ILCS 95/Act rep.

Creates the Illinois Scenic River Designation Act. Designates portions of specified rivers as permanently protected rivers of the State. Designates the Department of Natural Resources as State administrator of the designated portions of rivers. Establishes the Department's duties under the Act. Provides for subsequent designations. Provides that designated portions of rivers may subsequently become part of the National Wild and Scenic Rivers System. Prohibits the acquisition of land by eminent domain for purposes of the Act. Repeals the Vermilion River Middle Fork Act.

LRB094 07430 DRH 37592 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Scenic River Designation Act.

6 Section 5. Definitions. As used in this Act:

7 (a) "Confluence" mean the point or juncture where 2 streams
8 flow together.

9 (b) "Department" means the Department of Natural
10 Resources.

11 (c) "Mouth" means a natural opening of a river or stream
12 that empties into a larger body of water.

13 Section 10. Policy declaration. In order to afford the
14 people of the State of Illinois an opportunity to enjoy natural
15 streams, attract out-of-state visitors, promote nature-based
16 tourism, and assure the well-being of our tourist industry, it
17 is in the interest of this General Assembly to designate
18 certain segments of Illinois' rivers as State Scenic rivers. It
19 is declared the policy of the State to secure and protect for
20 current and future generations the benefits of an enduring
21 resource of the flowing streams possessing outstanding scenic,
22 recreation, fish and wildlife, geology, archeology, botanical,
23 historic, and scientific values.

24 Section 15. Designations. Portions of the following rivers
25 are designated as permanently protected rivers of the State of
26 Illinois:

27 (a) Lower Fox River within LaSalle County, from Sheridan,
28 Illinois, at the confluence of Somonauk Creek, to Wedron,
29 Illinois at Wedron Road Bridge.

30 (b) Kishwaukee River within McHenry, Boone, and Winnebago

1 Counties, from Marengo, Illinois, at the Route 23 bridge, to
2 Atwood Park, near New Milford, Illinois.

3 (c) Nippersink Creek within McHenry County, from Barnard
4 Mill Road to the McHenry-Lake county line.

5 (d) Rock River within Ogle and Lee Counties, from Oregon,
6 Illinois to Dixon, Illinois.

7 (e) Kankakee River within Kankakee County from Kankakee,
8 Illinois at Perry Farm Park to Warner Bridge at the
9 Will-Kankakee county line.

10 (f) Vermilion River within LaSalle County from Streator,
11 Illinois at Perry Farm Park to the mouth of the Vermilion
12 River.

13 (g) Middle Fork of the Vermilion River within Vermilion
14 County.

15 (h) Cache River within Pulaski and Johnson Counties from
16 the mouth of Cypress Creek to Long Reach Road, and from Levee
17 Road to the mouth of the Cache River.

18 (i) Lusk Creek within Pope County from Eddybill Road to
19 Forest Road.

20 (j) Illinois River from Ottawa, at the mouth of the Fox
21 River, to Havana at the State Route 136 bridge.

22 (k) Pecatonica River within Stephenson and Winnebago
23 Counties, from Tarsk Bridge Forest Preserve to Macktown Forest
24 Preserve.

25 Section 20. State administrator.

26 (a) The Illinois Department of Natural Resources is
27 designated as the State administrator of the designated
28 segments described in Section 15.

29 (b) The following duties shall be performed by the
30 Department of Natural Resources or, at the request of the
31 Department of Natural Resources and without remuneration, by a
32 conservation district, ecosystem partnership, or other
33 conservation entity:

34 (1) Entering into agreements with local, State, and
35 federal entities and private landowners for the mutual

1 management of the river, including conservation easements.

2 (2) Incorporating the designation of State scenic
3 river segments into a State Comprehensive Outdoor
4 Recreation Plan.

5 (3) Development of a scenic river management plan for
6 each scenic river segment to maintain or improve
7 recreational opportunities, water quality, fish and
8 wildlife safety, and public access. The plan may encourage
9 the adoption of stream buffer ordinances by local
10 governments to protect and enhance recreation, scenic, and
11 natural values, and water and biotic quality. The
12 Department may consult and collaborate with other State
13 agencies, local governments, planning agencies,
14 organizations, and ecosystem partnerships.

15 (4) Creation and implementation of Statewide minimum
16 standards, including but not limited to monetary penalties
17 for violations, for the protection of designated river
18 values enumerated in Section 10 of this Act.

19 Section 25. Subsequent designation nominations. Any
20 Illinois citizen may submit a request to the Department for the
21 nomination of additional river segments to be designated as
22 scenic. Requests must be made in writing on a form created by
23 the Department and have attached at least 500 signatures of
24 Illinois residents supporting the nomination. The Department
25 shall direct the request to the Natural Resources Advisory
26 Board, which shall recommend a decision to the Director of the
27 Department. Upon a sufficient request, the board shall hold a
28 public hearing within 120 days in any county in which the
29 nominated river segment lies. A final determination on the
30 nomination shall be made by the Director of the Department
31 within 180 days of its submission. The Department may adopt
32 rules creating standards for future designations, which may
33 include factors such as recreational potential, water quality,
34 biotic quality, and natural or scenic value.

1 Section 30. Subsequent inclusion in federal system. This
2 Act does not preclude any component of the State scenic river
3 system from becoming part of the National Wild and Scenic River
4 System under the Wild and Scenic Rivers Act.

5 Section 35. Acquisition by eminent domain prohibited.
6 Acquisition of land by eminent domain for the purposes of this
7 Act is prohibited. Land may be acquired only from owners
8 voluntarily. The Department and other entities or persons may
9 develop or acquire conservation easements to protect natural
10 and scenic values.

11 (615 ILCS 95/Act rep.)

12 Section 990. The Vermilion River Middle Fork Act is
13 repealed.