

1 AN ACT in relation to bodies of water.

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

4 Section 5. The Rivers, Lakes, and Streams Act is amended  
5 by changing Section 23 as follows:

6 (615 ILCS 5/23) (from Ch. 19, par. 70)

7 Sec. 23. It shall be the duty of the Department of  
8 Natural Resources to maintain stream gauge stations, and to  
9 make careful investigations of the streams of the State with  
10 reference to the carrying capacity of all such streams in  
11 times of flood and under normal conditions; to prevent the  
12 carrying capacity of streams to be limited and impaired by  
13 fills, deposits, obstructions, encroachments therein, deposit  
14 of debris or material of any kind, including trees, tree  
15 limbs, logs, shrubbery, or related growths and trimmings  
16 therefrom in or upon the bank of any waters and water courses  
17 or in such proximity to such waters and water courses or any  
18 tributary thereto where the same shall be liable to be washed  
19 into or deposited along such waters and water courses, either  
20 by normal or flood flows, as a result of storms or otherwise,  
21 which may in any manner impede or obstruct the natural flow  
22 of such waters and water courses, or bridges over same, to an  
23 extent where the same cannot safely dispose of the flood  
24 waters which may naturally, lawfully, and properly be  
25 discharged therein; to require such changes in bridges across  
26 any navigable waters or streams, or bodies of water made  
27 navigable, necessary to meet the demands of navigation and  
28 commerce thereon; and to establish by regulations water  
29 levels below which water cannot be drawn down behind dams  
30 from any stream or river within the State of Illinois, in  
31 order to retain enough water in such streams to preserve the

1 fish and other aquatic life in the stream, and to safeguard  
2 the health of the community. If the capacity of any stream  
3 is limited and impaired by reason of any of the Acts or  
4 construction in this Act provided, so as to constitute a  
5 menace to property along the course of said stream or safety  
6 of the people of the State, or results in damage, overflow,  
7 or an interruption to navigation, or if water is being drawn  
8 down, or is about to be drawn down in contravention of the  
9 water level regulations established by the Department, the  
10 Department of Natural Resources shall take such action as may  
11 be required, by injunction or otherwise, to prevent such  
12 encroachments or the erection of such structures, or compel  
13 the removal or modification of same, or to prevent water  
14 being drawn down below the levels established by the  
15 Department. It shall be unlawful for any person, persons,  
16 corporations, counties, cities, municipalities, or other  
17 agency to make any fill, deposit, or encroachment in, deposit  
18 or placement of felled or trimmed woody plant upon or along  
19 the bank, or erect any bridges over a stream that has a  
20 drainage area of one square mile or more in urban areas or 10  
21 square miles or more in rural areas, until plans, profiles  
22 and specifications and other data which may be required, have  
23 been first filed with the Department of Natural Resources of  
24 this State, and a written permit received therefor.

25 If a unit of local government has adopted an ordinance  
26 that establishes minimum standards for appropriate use of the  
27 floodway that are at least as restrictive as those  
28 established by the Department and this Section, and the unit  
29 of local government has adequate staff to enforce the  
30 ordinance, the Department may delegate to the unit of local  
31 government the authority to issue permits for construction in  
32 the floodway within its jurisdiction. This delegation of  
33 permit authority does not include governmental projects,  
34 public waters projects, dams, and livestock facilities

1 regulated under the Livestock Management Facilities Act.

2       The Department of Natural Resources is authorized, in  
3 case of existing dams, to require that the dams be maintained  
4 in a proper state of repair, and at a height for proper  
5 control of water levels in the disposal of flood waters and  
6 at normal stages, and for such purposes to require changes  
7 and modifications therein, and to compel the installation of  
8 fishways in dams wherever deemed necessary; provided,  
9 however, that the enactment by any governmental unit of any  
10 new rule, regulation, ordinance, law, or other requirements  
11 passed after the construction of an existing dam, shall not  
12 be construed to give the Department of Natural Resources the  
13 power or authority to require changes in the design,  
14 structure, or construction, of any existing dam in  
15 conformance with all applicable standards existing at the  
16 time of its construction and which is in good repair.

17 (Source: P.A. 89-445, eff. 2-7-96.)

18       Section 99. Effective date. This Act takes effect  
19 January 1, 2002.