

1 HOUSE RESOLUTION 200

2 WHEREAS, The United States Supreme Court, on January 9,
3 2001, rendered its decision in Solid Waste Agency of Northern
4 Cook County v. Army Corps of Engineers, holding that
5 nonnavigable, isolated, intrastate waterways serving as
6 habitat for migratory birds cannot be interpreted to be
7 waters requiring a discharge permit for the discharge of
8 dredged or fill material into them; and

9 WHEREAS, Local governments have long relied on federal
10 protection of these bodies of water under the federal Clean
11 Water Act; that this decision sharply limits the types of
12 bodies of water for which Section 404 permits are required;
13 and

14 WHEREAS, These bodies of water are now in danger of harm
15 and elimination in the absence of permitting or oversight on
16 the part of any public agency at the federal, State, or local
17 level; Illinois has relied upon federal protections as a
18 critically important element of stormwater management and
19 protection plans; and

20 WHEREAS, The United States Supreme Court decision has
21 left Illinois without a program in place that provides
22 protection to these bodies of water; and

23 WHEREAS, At the time of statehood in 1818 wetlands
24 covered more than 8 million acres, or 25 percent, of
25 Illinois; as a result of human modification of the
26 environment, an estimated 90 percent of those wetlands have
27 been lost; and

28 WHEREAS, The National Wetlands Inventory of Illinois
29 documented that wetlands of all types occupy about 1.25
30 million acres, or 3.5 percent, of the total area of Illinois,
31 of which isolated wetlands account for 12 percent of the

1 total extent of wetland coverage, or 152,203 acres; and

2 WHEREAS, These isolated wetlands provide public benefit
3 by (1) reducing flood damage through absorbing, storing, and
4 conveying peak flows from storm events, improving water by
5 serving as basins for sedimentation, nutrient cycling, and
6 filtering, (2) replenishing groundwater supplies through
7 infiltration, (3) providing important breeding, nesting,
8 foraging, and migratory habitat for approximately 40 percent
9 of the State's endangered and threatened species and to other
10 species of fish, wildlife, waterfowl, and shore birds, (4)
11 serving as recreational areas for hunting, fishing, boating,
12 hiking, wildlife watching, photography, and other uses, and
13 (5) providing open space and aesthetic value; and

14 WHEREAS, The United States Supreme Court decision
15 authorizes state and local governments to regulate these
16 critically important bodies of water; therefore, be it

17 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
18 NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
19 we urge the Illinois Department of Natural Resources to
20 identify and report an inventory of each of the bodies of
21 water that will no longer be protected by the federal Clean
22 Water Act as a result of the recent United States Supreme
23 Court decision in Solid Waste Agency of Northern Cook County
24 v. Army Corps of Engineers; and be it further

25 RESOLVED, That the Illinois Department of Natural
26 Resources assess potential impacts related to flooding,
27 wildlife habitat, and groundwater supplies and the Illinois
28 Environmental Protection Agency assess the impact on water
29 quality that may result from the absence of federal
30 protection of those bodies of water and report those findings
31 to the House by March 1, 2002; and be it further

32 RESOLVED, That a suitable copy of this resolution be

1 presented to the Director of Natural Resources, the Director
2 of the Environmental Protection Agency, the Speaker of the
3 House, and the Minority Leader of the House.