

INTRODUCTION

State/Local Laws, Ordinances

This section contains a brief description of state laws and a listing of federal laws which may be applicable during planning and installation of structural practices. State cost-share programs are considered state funded projects or projects funded with pass-through monies. Money distributed to local soil and water conservation districts for the Conservation Practices Program and Watershed Land Treatment Program are considered state funded or funded with state pass-through monies. Local laws, ordinances, and regulations have not been specified. The field office should consider including the following:

- SWCD Erosion Sediment Control Guidelines
- County Zoning Ordinance
- County Subdivision Regulation
- County Stormwater Management Ordinance
- County LESA System
- Onsite Sewage Disposal Ordinance

State of Illinois Laws

Illinois State Agency Historic Resources Preservation Act (Public Act 86-707)

The law applies to all state agencies and requires that they take into account the effect their activities may have on historic resources. An agency planning a construction project, for example, is required to notify the Historic Preservation Agency and then take into account any comments made by the agency within the prescribed 30-day comment period.

Human Grave Protection (Public Act 86-151)

This Act makes it unlawful for anyone without a permit to knowingly disturb human skeletal remains or a grave marker, defined to include burial mounds.

Archaeological Paleontological Resources Protection Act

The law applies only to Public Lands. It is unlawful for anyone who disturbs burial mounds, human remains, shipwrecks, or other archaeological resources on public lands. The law also afford the protection for fossil remains.

Illinois Endangered Species Protection Act

Provides that state and local units of government shall evaluate, through a consultation process with the Department of Conservation, whether actions authorized, funded, or carried out by them are likely to jeopardize the continued existence or recovery of Illinois listed endangered or adverse modification of essential habitat of such species. (Illinois Rev. Stat. 1989, Ch. 8, para 341)

Interagency Wetland Policy Act

This act applies to any project which converts wetlands costing \$10,000 or more of state pass-through funds. The Act requires that a mitigation plan be prepared.

Erosion-Sediment Control Guidelines

Provides for filing complaints with local SWCD or the Illinois Department of Agriculture for erosion and sediment damages. The Act also provides for a schedule of compliance and a hearing process.

State Laws (Continued)

Water Use Act of 1983

The purpose of the Act is to prevent adverse impact of excessive groundwater withdrawals. SWCDs review permits to establish wells capable of producing 100,000 gallons on any day for impact on adjacent groundwater users.

Illinois Groundwater Protection Act

Provides for a minimum zone of 200 feet in radius for any type water supply well from potential source or routes for contamination. An example, the location of Ag chemical storage or clearing area should be 200 feet in radius from the private well. In addition, the Act requires that abandoned wells be capped.

Subtitle E: Agricultural Related Pollution

Provides standards for animal livestock waste management systems, application of livestock waste, fish and aquatic animal production facilities, irrigation activities, and silvicultural activities.

Rules for Construction of Dams and Channel Modifications

Provides standards for the construction of certain sized dams, and channel modifications and provides for the permitting of construction demolition of dams. The owner must obtain a permit before construction if one of the following criteria apply:

1. Drainage area in rural area 6,400 acres or more.
Drainage area in urban area 640 acres or more.
2. The top of dam is 25 feet, or more in height, provided that the impounding capacity is greater than 15 acre-feet.
3. The dam has an impoundment capacity of 50 acre-feet, or more, provided that the dam height is greater than 6 feet.

Noxious Weed Law

Requires the control of the following plants which are considered noxious: marijuana, giant ragweed (within city limits), Canada thistle, perennial sowthistle, musk thistle, and johnsongrass.

State Laws (Continued)**Exotic Weed Act**

Prohibits the selling of planting of the following exotic plants: purple loosestrife, Japanese honeysuckle, and multiflora rose.

Prime and Important Farmland

The act provides that if state monies are being used for development that an assessment be done to ensure the minimal impact on prime and important farmland.

Illinois Forestry Development Act

The act requires the development and approval of a Forest Management Plan in order to qualify for a property tax reduction to 1/6th of the corresponding cropland rate per acre. The act also assesses a 4% harvest fee on timber harvested from privately owned woodlands.

Vegetative Filter Strip Assessment Act

The assessment requires a conservation plan for the creation of the vegetative filter strip. In counties with less than 3,000,000 inhabitants, any land that is located between a farm field and an area to be protected, including but not limited to surface water, a stream, a river, or a sinkhole, that has a vegetative filter strip at least 66 feet in width, shall qualify for a property tax deduction in width, shall qualify for a property tax deduction to 1/6 th of the corresponding cropland rate per acre. In counties with 3,000,000 or more inhabitants, review the Act.

Illinois Dead Animal Disposal Act

This act describes the relation of collection and disposal of bodies or parts of bodies of dead animals, poultry or fish, or used cooking grease and oils.

Clean Water Act (Federal), Section 314 - Clean Lakes Program (33 U.S.C. 1324)

Section 314 of the Clean Water Act requires Illinois to identify public lakes within the state and provide methods for controlling pollution and improving water quality.

Clean Water Act (Federal), Section 319 - Nonpoint Source Pollution Management Program (33 U.S.C. 1329)

Section 319 of the Clean Water Act provides the state with the authority to assess nonpoint source pollution and introduce management programs for controlling pollution.

Section 404 Permit of the Clean Water Act

Anyone proposing to construct, operate or maintain any dam, dock, pier, wharf, sluice, levee, dike, building, utility crossing, piling, wall, fence or other structure in, or dredge, fill or otherwise alter the bed or banks of, any stream, lake, wetland, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals. The appropriate copy of the joint application form, drawing, and copy of any additional support information should be sent to each for the regulatory agencies. Approvals may be required by any or all of the agencies. Applications filed simultaneously with the **USCOE, IDOT/DWR** and **IEPA** will be processed concurrently, in an independent manner, and should result in expedited receipt of all agency determinations. If a permit is not required by one or more of the agencies, they will inform the applicant and the other agencies.

Federal Laws

During the conservation and/or resource planning process there are numerous federal laws that may have an impact on the decision-making process. If applicable, the following laws (see reference for additional information) need to be addressed during the planning process:

The Clean Water Act, Section 404 Permit

Anyone proposing to construct, operate or maintain any dam, dock, pier, wharf, sluice, levee, dike, building, utility crossing, piling, wall, fence or other structure in, or dredge, fill or otherwise alter the bed or banks of, any stream, lake, wetland, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals. The appropriate copy of the joint application form, drawing, and copy of any additional support information should be sent to each of the regulatory agencies. Approvals may be required by any or all of the agencies. Applications filed simultaneously with the **USCOE, IDOT/DWR** and **IEPA** will be processed concurrently, in an independent manner, and should result in expedited receipt of all agency determinations. If a permit is not required by one or more of the agencies, they will inform the applicant and the other agencies.

Food Security Act 1985 (National Food Security Act Manual)

Food, Agricultural, Conservation, and Trade Act of 1990 (National Food Security Act Manual)

Endangered Species Act of 1973 (General Manual 190, Part 410)

Executive Order 11988 - Floodplain Management (3 C.F.R. 117 (1978))

Executive Order 11988 requires federal agencies to refrain from adversely impacting wetlands through modification and development. The order also directs federal agencies to avoid floodplain development if other practicable alternatives exist.

Executive Order 11990 - Protection of Wetlands (3 C.F.R. 121 (1978))

Executive Order 11990 requires federal agencies to minimize detrimental actions affecting wetlands while preserving and enhancing the natural and beneficial values of wetlands.

River Basin Activities (General Manual 150, Part 405)

Clean Water Act, Section 401 - Water Quality Certification (33 U.S.C. 1341)

Section 401 of the Clean Water Act allows the State of Illinois to review projects requiring federal permits to ensure compliance with state water quality standards.

Conservation Planning & Application (General Manual 180, Parts 401-408)

Cartography and Remote Sensing (General Manual 170, Parts 400-401)

Federal Laws (Continued)

Equal Opportunity (General Manual 230, Part 403)

Land Treatment Program (General Manual 300, Part 400)

Land Use (General Manual 300, Parts 400-401)

Farmland Protection Policy Act (FPPA) (General Manual 310, Part 401-404 and Land Evaluation Site Assessment Handbook)

National Environmental Policy Act (NEPA) (General Manual 190, Part 410)

National Historic Preservation Act, as amended (General Manual 420, Parts 401 & 601 (Cultural Resources))

Internal Revenue Code (General Manual 190, Part 403)

Limited Resource Farmer Initiative (General Manual 190, Part 406)

Watershed Protection and Flood Prevention Act (PL-566) National Watershed Manual

Use of Pesticides (PL-516) (General Manual 190, Part 404)

Rural Abandoned Mine Program (General Manual 300, Part 404)

Rural Development (General Manual 410, Part 400)

Wild and Scenic Rivers Act