



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

January 21, 2026

To: Stormwater Management Commission
From: Juli Crane, Bill Santelik & Glenn Westman, SMC Principal Wetland Specialists
Re: Isolated Wetlands Regulatory Program Update Through 2025

FOR INFORMATION ONLY – NO ACTION REQUIRED

Table 1 provides a summary of SMC’s isolated wetland permit database from August 14, 2001 (program inception) through December 31, 2025. The data show **the isolated wetland provisions in the WDO are working effectively to meet Goal #2 of the Lake County Comprehensive Management Plan (1990, updated 2002):** “*Protect existing water resources, including lakes, streams, floodplains, and wetlands, from detrimental and unnecessary modification so that their beneficial functions are maintained and public expenditures and damages are minimized.*”

Key points:

- With the revised federal definition of *waters of the United States* (WOTUS) after the “Sackett” Supreme Court decision in 2023, we estimate that **80+%** of the wetlands and smaller stream segments in Lake County are currently *Isolated Waters of Lake County* (IWLC) under the regulation of the WDO, compared to about **40-50%** under the pre-2023 WOTUS definition. This change has resulted in a significant increase in SMC’s workload of IWLC reviews and permitting.
- 582 developments with permanent or temporary impacts reviewed by SMC since 2001.
- Total permanent IWLC impacts = 178.1 acres; mitigation provided = 242.9 acres; **net wetland gain in County = 64.8 acres.**
- Total temporary IWLC impacts = 8.6 acres; authorized under SMC’s General Permit #2-T (eff. 2024); areas restored - no mitigation required.
- **About 65 million gallons of additional flood water storage** provided by net wetland gain (USEPA estimates each acre of wetland can store about 1 million gallons of flood water¹).
- **About 898 million gallons of retained flood water storage** provided by 892.0 acres (about 1.4 square miles) of preserved IWLC on development sites.
- Since 2006, the SMC Wetland Restoration Fund (WRF) has been used by 34 developers to purchase 35.4 acres of ‘in watershed’ mitigation credit (the WRF is an in-lieu fee option when no mitigation bank credits are available in the watershed where the isolated wetland impacts occur).

If you have any questions regarding the isolated wetlands program, please do not hesitate to contact Juli jcrane@lakecountiyil.gov, Bill wsantelik@lakecountiyil.gov, or Glenn gwestman@lakecountiyil.gov.

¹ *Wetlands: Protecting Life and Property from Flooding, Publication EPA843-F-06-001, May 2006.*

Table 1
SMC Isolated Wetland Permit Summary by Major Watershed
As of December 31, 2025

Watershed	# Projects Reviewed	# Projects with Temporary IWLC Impacts (Acres) No Mitigation Required per GP2-T Permit	# Projects with <0.1 Acre Permanent IWLC Impacts (Acres) No Mitigation Required per WDO	# Projects with ≥0.10 Acre Permanent IWLC Impacts (Acres) Mitigation Required per WDO	Total Acres of Permanent IWLC Impacts	Total Acres of Mitigation Provided (In Watershed/ Out of Watershed)	Net Wetland Acres In Watershed/ Out of Watershed	Preserved Wetland Acres ⁵
Des Plaines River	275	7 (5.2)	138 (4.0)	130 (96.7)	100.7	132.3 (132.3 ¹ / 0)	+31.6 / 0	477.9
Fox River	157	7 (1.1)	79 (1.6)	71 (46.4)	48.0	69.7 69.4 ² / 0.3)	+21.4 / 0.3	311.3
N. Branch Chicago River	92	5 (2.0)	46 (1.5)	41 (19.6)	21.1	30.4 (22.6 ³ / 7.8)	+1.5 / +7.8	77.0
Lake Michigan	58	4 (0.3)	34 (1.0)	21 (7.3)	8.3	10.5 (5.5 ⁴ / 5.0)	-2.8 / +5.0	32.2
Totals	582	23 (8.6)	297 (8.1)	263 (170.0)	178.1	242.9 (229.8 / 13.1)	+51.7 / +13.1 (TOTAL NET GAIN = 64.8)	898.4

NOTES

- 1 Includes 14.5 acres of “in watershed” mitigation purchased through the SMC Wetland Restoration Fund (WRF) in-lieu fee program.
- 2 Includes 7.7 acres of “in watershed” mitigation purchased through WRF.
- 3 Includes 7.7 acres of “in watershed” mitigation purchased through WRF.
- 4 Includes 5.5 acres of “in watershed” mitigation purchased through WRF.
- 5 Undisturbed IWLC remaining on development sites.