

## Warner, Mike D.

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**Subject:** Navigable Waters Protection Rule - Effective Date June 22, 2020

On April 21, 2020, the USEPA and Army Corps of Engineers published the *Navigable Waters Protection Rule* ("NWPR") in the Federal Register. The NWPR re-defines *waters of the United States* (WOTUS) and will become effective June 22, 2020.

The NWPR narrows the scope of wetlands and waters that will be under federal jurisdiction to four main categories:

1. Territorial seas and "Traditional Navigable Waters", such as the Fox & Des Plaines Rivers.
2. Tributaries – perennial & intermittent streams such as Squaw Creek, Mill Creek & Indian Creek.
3. Most lakes and ponds, such as Bangs Lake & Hastings Lake, and impoundments of #'s 1-2 waters above.
4. Wetlands adjacent to #'s 1-3 waters above (must touch or have a surface hydrologic connection if separated by a berm or road - e.g., culvert).

The NWPR specifically excludes 12 types of wetlands and waters, including most ditches, constructed stormwater basins, groundwater, and ephemeral drainage features, among others.

### **What does the revised definition of WOTUS mean for Lake County and SMC's isolated wetlands program?**

- We anticipate a *significant increase* in the number of wetlands deemed as isolated wetlands. An estimated 50% - 55% of wetlands and waters in the County (Lake County GIS) will not meet the WOTUS definition and will therefore be classified as *Isolated Waters of Lake County* (IWLC), subject to regulation under the WDO. For comparison, we estimated that only 10% of the wetlands and waters in the County were considered IWLC under the previous definition of WOTUS enacted during the Obama administration in 2015. Prior to the 2015 rule approximately 40% - 45% of the wetlands in Lake County were considered isolated.
- Our principal wetland specialists – Glenn Westman and Juli Crane, are preparing for a potential increase in workload to make sure we maintain a high level of service for our customers. Project work assigned to wetland staff may need to be re-assigned to other staff, in the balancing process and it will take a period of time to assess how this impacts our overall workload, given the extenuating circumstances we are in, and the new normal of operations.

If you have any questions or would like more details on the NWPR, please feel free to contact Glenn [gwestman@lakecountyil.gov](mailto:gwestman@lakecountyil.gov) or Juli Crane [jcrane@lakecountyil.gov](mailto:jcrane@lakecountyil.gov).

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Glenn H. Westman  
Principal Wetland Specialist  
Lake County Stormwater Management Commission (SMC)  
500 W. Winchester Road, Suite 201  
Libertyville, IL 60048  
Phone: (847)377-7718

Fax: (847)984-5747

E-Mail: [gwestman@lakecountyil.gov](mailto:gwestman@lakecountyil.gov)

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