



IDNR/OWR PUBLIC DAM REMOVAL PROGRAM

LOCAL GOVERNMENT PARTICIPATION GUIDANCE

This document provides general guidance to local governments (“Local Governments”) owning or having within their jurisdiction run of the river dams in seeking assistance from the IL Department of Natural Resources, Office of Water Resources (“IDNR/OWR”) for construction, design or studies pertaining to the removal or modification of such dams.

This document also provides general guidance to Local Governments when IDNR/OWR approaches Local Governments for removal or modification of run of the river dams within their government jurisdiction. [Note: This document does not require IDNR/OWR to approach Local Governments for removal or modification of State-Owned run of the river dams. IDNR/OWR has complete discretion whether to approach Local Governments in such cases.]

These guidelines are not to be taken as absolutes. Each potential project is unique and will be addressed on a case by case basis.

1. PRIORITIZATION OF PROJECTS

IDNR/OWR project participation prioritization will generally be determined in the order as listed below. For those projects in the same category, priority will be given to project sites with greatest history of public safety risk. IDNR/OWR will prioritize full dam removal except in site specific special circumstances.

- A. State Owned Dams on Public Water
- B. Publicly Owned Dams on Public Water
- C. Publicly Owned Dams on Non-Public Water
- D. Privately Owned Dams not accepted

Note: IDNR/OWR cannot participate in projects involving privately owned dams. Optionally, the private owner may consider a transfer of ownership of the dam to a Local Government to potentially receive assistance from IDNR/OWR.

2. GENERAL PROCESS

The following process will generally be followed between IDNR/OWR and Local Governments in considering removal or modification of run of the river dams:

- A. In the case where IDNR/OWR approaches a Local Government for removal or modification of a State-owned run of the river dam, the Local Government may agree to work with IDNR/OWR to consider such removal or modification or may object to such removal or modification.
 - i. If the Local Government agrees to work with IDNR/OWR to consider dam removal or modification, the Local Government and IDNR/OWR will proceed to jointly work through the dam removal or modification process set forth in the following Sections C and D.
 - ii. If the Local Government opposes IDNR/OWR’s proposed dam removal or modification, IDNR/OWR may at its sole discretion either:
 - a. proceed with the dam removal or modification process set forth in the following Sections C and D on its own; or
 - b. offer to work with the Local Government to seek legislation for the transfer of dam ownership to the Local Government. (Should the Local Government refuse the transfer of dam ownership, IDNR/OWR will proceed with the dam removal or modification process set forth in the following Sections C and D on its own.)

- B. In the case where a Local Government approaches IDNR/OWR for removal or modification of a state-owned or publicly-owned run of the river dam or where IDNR/OWR approaches a Local Government for removal or modification of a publicly-owned run of the river dam and the Local Government agrees to work with IDNR/OWR to consider dam removal or modification, the Local Government and IDNR/OWR will proceed to jointly work through the dam removal or modification process set forth in the following Sections C and D.
- C. IDNR/OWR and the Local Government will first work together to perform a Strategic Study of the subject dam to evaluate alternatives and ultimately select the alternative that will be the final Project. A Memorandum of Understanding (MOU) will be executed between IDNR/OWR and the Local Government to define duties and responsibilities of each party during the Strategic Study Phase. Please see Part 3. STRATEGIC STUDY PHASE for further information.
- D. At the end on the Strategic Study Phase, if IDNR/OWR and the Local Government agree on a final Project, the Project will be moved forward to Project planning, design, construction, and eventual ownership conveyance (where applicable), operation and maintenance (“Project Phase”). An Intergovernmental Agreement (IGA) will be executed between IDNR/OWR and the Local Government defining the duties and responsibilities of each party for the Project Phase. Please see Part 4. PROJECT PHASE for further information.

[Note: In the case where a Local Government does not agree to a final Project on a State-owned dam, IDNR/OWR may move forward to the Project Phase absent such agreement.]

- E. The IDNR/OWR dam removal program is conducted pursuant to the statutory authority of 615 ILCS 5/12 Rivers, Lakes, and Streams Act, 20 ILCS 805/805-100 Conservation of Fish and Game, and 20 ILCS 805/805-105 Conservation of Fauna and Flora. Funding has been appropriated to the IDNR/OWR for this program pursuant to applicable statutory appropriation. Should such funding become unavailable, IDNR/OWR obligations under the dam removal program will cease as required by Illinois statute.

3. STRATEGIC STUDY PHASE

At the Strategic Study Phase, IDNR/OWR and the Local Government will work together to perform a Strategic Study of the subject dam to evaluate alternatives and ultimately select the alternative that will be the final Project. [Note: In certain circumstances, IDNR/OWR in its sole discretion may determine to bypass all or part of this Strategic Study Phase.]

A Memorandum of Understanding (MOU) will be executed between IDNR/OWR and the Local Government to define duties and responsibilities of each party during the Strategic Study Phase.

IDNR/OWR first final Project preference is full dam removal. IDNR/OWR next final Project preference is partial dam removal. If full or partial removal is not feasible as determined by IDNR/OWR for a site-specific constraint (i.e. water supply), IDNR/OWR will consider a safety modification for final Project.

Final Projects may include betterments at Local Government’s sole cost.

The Strategic Study is anticipated to investigate / address the following:

- A. Topographic Survey – IDNR/OWR will conduct all ground & bathymetric surveys necessary for the project.
- B. Sediment Sampling will be acquired at the cost to IDNR/OWR.
- C. Wetland and Waters of the US delineation will be acquired at the cost to IDNR/OWR.
- D. Property boundary information - The local sponsor shall provide all land right documentation for the estimated project boundary as delineated by IDNR/OWR.
- E. Hydrology, hydraulics, conceptual plans and supporting documents shall be developed or caused to be developed at the cost to IDNR/OWR.
- F. Applicable regulatory issues.
- G. Site-specific constraint (i.e. water supply).
- H. Safety Issues.
- I. Betterments or other modifications (if applicable).

- J. Other issues as determined by IDNR/OWR and the Local Government.
- K. Evaluation of alternatives.
- L. Selection of final Project.

4. PROJECT PHASE

Upon determination of a final Project, the Project will be moved forward to Project Phase which includes: planning, design, construction, and eventual ownership conveyance (where applicable), operation and maintenance. An Intergovernmental Agreement (IGA) will be executed between IDNR/OWR and the Local Government defining the duties and responsibilities of each party for the Project Phase.

A. Planning

- i. State and Federal Permits applications shall be developed and submitted by IDNR/OWR for all full or partial dam removals. Local permits will be acquired by Local Government. All non-dam removal alternative permits will be completed by Local Government. Permit fees will be provided by the dam owner.
- ii. Project Planning (permitting, detailed hydraulic computations) analysis shall be developed or caused to be developed by IDNR/OWR for all full or partial dam removals. Non-dam removal alternatives will be completed by and at the cost of the Local Government.
- iii. The Local Government is required to obtain rights to all properties necessary to construct, operate and maintain the project. As such, agreements may be required with other public entities. This effort will be the responsibility of the Local Government.

B. Project Design

- i. Project plans, specifications, project advertisement, and contract award will be provided or caused to be provided at 100% cost to IDNR for all full and partial dam removals.
- ii. Plans, specifications, project advertisement, and contract award will be conducted at the cost of the Local Government for non-dam removal projects.

C. Project Construction

- i. Full or Partial Dam Removals. Construction funding provided by IDNR/OWR will be limited to 100% of the estimated cost of a full dam removal alternative for full or partial removals.
- ii. Non-Dam Removals. Construction funding provided by IDNR/OWR will be limited to 60% of the estimated total cost of a full dam removal for projects that eliminate the Reverse Hydraulic Roller for all flow conditions.
- iii. Additional amenities to the project may be incorporated into the construction plans but the additional construction costs will be at the expense of the Local Government.
- iv. Construction inspection services may be provided by IDNR/OWR for all full or partial dam removals. Non-dam removal project construction inspection services will be at the expense of the Local Government.

D. Ownership Conveyance, Operation and Maintenance

- i. Local Government agrees to accept conveyance of any remaining structure(s) on site.
- ii. Local Government agrees to operate and maintain all remaining structure(s) on site in perpetuity.