

07.28.09



Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

Office of Water Resources • 2050 West Stearns Road • Bartlett, Illinois 60103

July 24, 2009

SUBJECT: Permit No. NE2009056
Rock Riffle Modification at Creek Bend Forest Preserve
Ferson Creek
Kane County
Application No. 2009118

Monica A. Meyers
Forest Preserve District of Kane County
1986 South Kirk Road, Suite 320
Geneva, Illinois 60134

Dear Ms. Meyers:

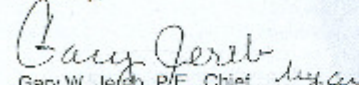
Enclosed is Illinois Department of Natural Resources, Office of Water Resources Permit No. NE2009056 authorizing the subject project. This permit does not supersede any other federal, state or local authorizations that may be required for the project.

Please be advised that the Illinois Department of Natural Resources, Office of Realty and Environmental Planning (OREP) participates in the regulatory programs of the U.S. Army, Corps of Engineers (USCOE) and may review this project if a USCOE Section 10 or 404 permit is required. Issuance of a permit by the Office of Water Resources does not preclude OREP's provision of comments and/or recommendations, primarily related to biological effects of the proposed action, to the USCOE and other federal agencies concerning your project.

If any changes of the permitted work are found necessary, revised plans should be submitted promptly to this office for review and approval. Also, this permit expires on the date indicated in Condition (13). If unable to complete the work by that date, the permittee may make a written request for a time extension.

Please contact me at 847/608-3100, ext. 2025 if you have any questions.

Sincerely,


Gary W. Jacob, P.E., Chief
Northeastern Illinois Regulatory Programs Section

GJ:crw
Enclosure

cc: Chicago District, U.S. Army Corps of Engineers
Kenneth N. Anderson, Kane County Dept. of Environmental Management
Robert E. Linke, Watershed Resource Consultants, Inc.



PERMIT NO. NE2009056
DATE: July 24, 2009

State of Illinois
Department of Natural Resources, Office of Water Resources

Permission is hereby granted to:

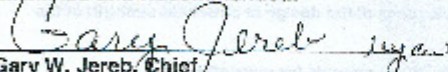
Forest Preserve District Kane County
1996 South Kirk Road, Suite 320
Geneva, Illinois 60134

to modify an existing rock riffle structure in the channel of Ferson Creek in the Southwest Quarter of Section 32, Township 40 North, Range 8 East of the Third Principal Meridian in Kane County,

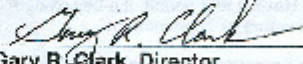
in accordance with an undated application and the plans and specifications entitled:

FINAL ENGINEERING PLANS FOR KANE COUNTY FOREST PRESERVE DISTRICT, CREEK BEND DAM FISH PASSAGE PROJECT, COVER SHEET, UNDATED, RECEIVED JUNE 19, 2009, SHEETS E1, E2 AND E3, DATED APRIL 9, 2009, RECEIVED JUNE 19, 2009, CREEK BEND DAM, CROSS SECTION THROUGH DAM LOOKING DOWNSTREAM (NORTH), ONE SHEET, UNDATED, RECEIVED JULY 14, 2009.

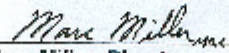
Examined and Recommended:


Gary W. Jereb, Chief
Northeastern IL Regulatory
Programs Section

Approval Recommended:


Gary R. Clark, Director
Office of Water Resources

Approved:


Marc Miller, Director
Department of Natural Resources

This PERMIT is subject to the terms and special conditions contained herein.

PERMIT NO. NE2009056

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) This permit is granted in accordance with the Rivers, Lakes and Streams Act "615 ILCS 5."
- 2) This permit does not convey title to the permittee or recognize title of the permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the activity or any part thereof will be located, or otherwise grant to the permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
- 3) This permit does not release the permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.
- 4) This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approvals from any federal or state agency to do the work, this permit is not effective until the federal and state approvals are obtained.
- 5) The permittee shall, at the permittee's own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project. If the permittee fails to remove such structures or materials, the Department may have removal made at the expense of the permittee.
- 6) In public waters, if future need for public navigation or other public interest by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or the permittee's successors as required by the Department or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
- 7) The execution and details of the work authorized shall be subject to the review and approval of the Department. Department personnel shall have the right of access to accomplish this purpose.
- 8) Starting work on the activity authorized will be considered full acceptance by the permittee of the terms and conditions of the permit.
- 9) The Department in issuing this permit has relied upon the statements and representations made by the permittee; if any substantive statement or representation made by the permittee is found to be false, this permit will be revoked; and when revoked, all rights of the permittee under the permit are voided.
- 10) In public waters, the permittee and the permittee's successors shall make no claim whatsoever to any interest in any accretions caused by the activity.
- 11) In issuing this permit, the Department does not ensure the adequacy of the design or structural strength of the structure or improvement.
- 12) Noncompliance with the conditions of this permit will be considered grounds for revocation.
- 13) If the construction activity permitted is not completed on or before December 31, 2012, this permit shall cease and be null and void.