




Illinois Department of  
**Natural Resources** **MEMORANDUM**

To: Acting Director Marc Miller

From: Director Rafael Gutierrez, OLE 

Date: May 1, 2009

Subject: Conditions on the Fox River from the Montgomery Dam north to the outlet of Pistakee Lake in Lake, McHenry and Kane Counties.

Region 2, District 2 Supervisor Sergeant Brett Scroggins has reported that flooding, swift currents, submerged piers and floating/submerged debris has created conditions which are significantly hazardous to recreational boaters. The conditions also make it treacherous for emergency personnel who are called upon to respond to and rescue persons involved in boating mishaps. Region 2 Commander Captain Neal Serdar, McHenry County Marine Unit Commander Joe Marvin, Lake County Marine Unit Lieutenant Burt Foster, and Don Bryant from Kane County Emergency Management Agency concur with the assessment.

The Fox River gauge height at Algonquin is 2.18 feet with a flow of 4,428 cubic feet per second at 8:30 a.m.

The Department of Natural Resources has authorization to designate restricted Boating Areas when navigation is significantly dangerous.

**Section 2030.80 Hazardous Navigation Conditions - Designated Restricted Boating Areas**

In the event that the Department of Natural Resources determines the presence of conditions that make navigation of a body of water significantly dangerous to the public, the Director of the Department of Natural Resources may, in coordination with the federal government, designate Restricted Boating Areas on any affected body of water within the jurisdiction of the State of Illinois. This designation shall be made by public announcement in local media and by posting at local public boat launches and marinas, and the restricted area shall be physically marked by buoys, signs, manned watercraft or yellow police tape. This designation will remain in effect until the Director of the Department of Natural Resources determines that navigation is no longer significantly dangerous to the public, but in no case shall the designation remain in effect longer than 90 days. Recision of the Restricted Boating Area designation shall be publicly announced in local media and posted at local public boat launches and marinas and any markings shall be removed.

(Source: Added at 29 Ill. Reg. 15550, effective September 27, 2005)

I recommend the Fox River from the Montgomery Dam north to the outlet of Pistakee Lake in Lake, McHenry and Kane Counties be designated as a Restricted Boating Area **(Recreational Vessels Only)** effective May 1, 2009, at 9:00 a.m. If you approve, please sign below and the Office of Law Enforcement will coordinate the implementation of a Restricted Boating Area with the United States Coast Guard, and the Lake, McHenry, and Kane County authorities.

  
Approved By Acting Director Marc Miller

5-1-09  
Date