



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1789

Introduced 2/5/2025, by Sen. Laura Ellman

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Riparian Protection and Water Quality Practices Act. Requires landowners who own property that is adjacent to a water body identified and mapped on a buffer-protection map to maintain a buffer to protect the State's water resources. Sets forth requirements concerning the types of buffers that must be installed and the timelines for their installation. Requires soil and water conservation districts to develop and submit to each local water management authority a summary of watercourses within their jurisdiction by July 1, 2026. Requires local water management authorities to incorporate these recommendations into their comprehensive water management plans. Exempts certain lands from the requirements of the Act. Allows the Department to withhold funding from local authorities that fail to implement the Act. Contains provisions concerning judicial review of decisions of the Department of Natural Resources. Specifies that the Act applies to State property. Defines terms.

LRB104 11122 BDA 21204 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Riparian Protection and Water Quality Practices Act.

6 Section 5. Definitions. As used in this Act:

7 "Buffer" means an area that consists of perennial  
8 vegetation, excluding invasive plants and noxious weeds, that  
9 is adjacent to bodies of water within the State, that protects  
10 water resources from runoff pollution, that stabilizes soils,  
11 shores, and banks, and that protects or provides riparian  
12 corridors.

13 "Buffer-protection map" means maps of buffer areas  
14 established and maintained by the Department of Natural  
15 Resources.

16 "Department" means the Department of Natural Resources.

17 "Director" means the Director of Natural Resources.

18 "Local water management authority" means a county,  
19 municipal government, drainage district, or watershed  
20 management authority authorized under Illinois law to oversee  
21 water management practices.

22 "Normal water level" means the level evidenced by the  
23 long-term presence of surface water as indicated directly by

1 hydrophytic plants or hydric soils, or indirectly determined  
2 via hydrological models or analysis.

3 "Public waters" means waters under the jurisdiction of  
4 Illinois as defined by the Environmental Protection Act and  
5 rules adopted under the Act.

6 "With jurisdiction" means a determination by the  
7 Department that a county or local authority has adopted and is  
8 implementing rules, ordinances, or official controls providing  
9 procedures for compliance with this Act. This determination is  
10 revocable by the Department if the adoption and implementation  
11 of such rules or controls are not in compliance with the  
12 requirements of this Act.

13 Section 10. Purpose. It is the policy of the State of  
14 Illinois to establish riparian buffers and water quality  
15 practices to: (1) protect State water resources from erosion  
16 and runoff pollution; (2) stabilize soils, shores, and banks;  
17 and (3) protect or provide riparian corridors.

18 Section 15. Riparian protection requirements for public  
19 waters and drainage system. (a) Landowners owning property  
20 adjacent to a water body identified and mapped on a  
21 buffer-protection map must maintain a buffer to protect the  
22 State's water resources as follows:

23 (1) For public waters, the buffer shall be (i) a  
24 50-foot average width, 30-foot minimum width, continuous

1           buffer of perennially rooted vegetation or (ii) as  
2           specified by the Illinois Rivers, Lakes, and Streams Act  
3           or other applicable State rules.

4           (2) For public drainage systems, the buffer shall be a  
5           minimum 16.5-foot continuous buffer as required under  
6           applicable drainage district rules and shall not impede  
7           future maintenance of the drainage system.

8           (b) Landowners engaged in cultivation farming adjacent to  
9           identified water bodies may meet the requirements under  
10          subsection (a) by implementing retention ponds or other  
11          measures preventing overland flow to the water resource or by  
12          using alternative riparian water quality practices based on:  
13          (i) the Natural Resources Conservation Service Field Office  
14          Technical Guide; (ii) common practices approved by the  
15          Department; or (iii) locally approved practices by the soil  
16          and water conservation district.

17          (c) Buffers on public waters must be measured from the top  
18          or crown of the bank or, if no defined bank exists, from the  
19          edge of the normal water level. Buffers on public drainage  
20          systems must follow measurement guidelines established by the  
21          drainage authority.

22          (d) Buffers or alternative practices required under this  
23          Section must be implemented by: (1) November 1, 2026, for  
24          public waters and (2) November 1, 2027, for public drainage  
25          systems.

26          (e) Landowners planting buffers after the effective date

1 of this Act must use seed mixes approved by the Department of  
2 Agriculture to prevent contamination by invasive species or  
3 noxious weeds.

4 Section 20. Local water resources and riparian protection.

5 (a) Soil and water conservation districts, in consultation  
6 with local water management authorities, must develop and  
7 submit to each local water management authority a summary of  
8 watercourses within their jurisdiction by July 1, 2026.

9 (b) Local water management authorities must incorporate  
10 these recommendations into their comprehensive water  
11 management plans by July 1, 2027, without requiring a formal  
12 plan amendment, provided the recommendations are distributed  
13 to relevant stakeholders.

14 Section 25. Exemptions. A landowner is exempt from the  
15 requirements of Section 15 with respect to land that is: (1)  
16 enrolled in the federal Conservation Reserve Program; (2) used  
17 as a public or private water access or recreational area; (3)  
18 covered by a road, trail, building, or other structures; (4)  
19 regulated by a National Pollutant Discharge Elimination System  
20 (NPDES) permit; (5) part of a water-inundation cropping  
21 system; or (6) temporarily nonvegetated due to authorized  
22 construction, maintenance, or conservation projects.

23 Section 30. Local implementation and assistance.

1           (a) Soil and water conservation districts must assist  
2 landowners with planning, technical support, and  
3 implementation of water resource protection requirements.

4           (b) The Department must provide sufficient funding to  
5 local authorities and conservation districts to implement this  
6 Act.

7           Section 35. Corrective actions.

8           (a) Noncompliant landowners will receive notice from the  
9 local water management authority, including required  
10 corrective actions and timelines.

11           (b) Authorities may enforce compliance through  
12 administrative penalties or other measures if corrective  
13 actions are not taken.

14           (c) Penalties may be forgiven upon sufficient corrective  
15 actions.

16           Section 40. Withholding funding. The Department may  
17 withhold funding from local authorities that fail to implement  
18 this Act, with restoration contingent upon approval of a  
19 corrective action plan.

20           Section 45. Appeals. Landowners may appeal validation or  
21 penalty decisions to the Department within 30 days of  
22 notification. The Director shall issue a final administrative  
23 decision within 60 days, which is appealable to the Illinois

1 courts in accordance with the Administrative Review Law.

2 Section 50. Landowner Financial Assistance. Landowners may  
3 contact soil and water conservation districts for information  
4 on financial assistance to establish buffers or alternative  
5 water resource protection measures.

6 Section 55. Applicability to State Lands. This Act applies  
7 to State lands and agencies, ensuring consistency across  
8 public and private lands.