

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

LAURIE A. MORSE)
)
)
Plaintiff,)
)
)
)
v.)
)
ILLINOIS DEPARTMENT OF)
NATURAL RESOURCES, an Illinois)
state agency, and WINNETKA PARK)
DISTRICT, an Illinois park district)
)
)
Defendants.)
)

No. 2026-CH-00858

In review of
Permit Application
C20250015
Permit LM2025011

AMENDED COMPLAINT

Plaintiff Laurie A. Morse, individually, seeks review of the decision of the Illinois Department of Natural Resources (“IDNR”), a state agency, acting through its division, the Office of Water Resources (“OWR”), to issue the permit bearing number LM2025011 to the Winnetka Park District (“WPD”), and in support states as follows:

NATURE OF THE CASE

1. Although commanded by statute to keep the waters of Lake Michigan free from encroachments that interfere with the public’s use of the lake’s beaches, beds and waters, Defendant IDNR violated the public trust doctrine, statutory directives, and its own regulations by issuing an unprecedented permit to Defendant WPD that would allow the construction of fences encroaching into Lake Michigan, blocking public use and enjoyment of the shoreline.

2. Furthermore, the fencing project permitted by Defendant IDNR primarily benefits private interests and violates the public trust doctrine by blocking public access and recreation on public beaches along the shore of Lake Michigan.

3. Accordingly, to vindicate the public interests infringed upon by Defendant IDNR's issuance of Permit LM2025011, Plaintiff asks the Court to reverse Defendant IDNR's issuance of Permit LM2025011 and to declare invalid the specific reasoning Defendant IDNR relied on, as described particularly below, under the Rivers, Lakes and Streams Act (615 ILCS 5/4.9 *et seq.*) and the public trust doctrine.

JURISDICTION & VENUE

4. Jurisdiction is properly vested in this Court pursuant to Sections 5/2-209 and 5/3-104 of the Illinois Code of Civil Procedure, because Defendants are public and governmental corporations doing business within the State of Illinois. 735 ILCS 5/2-209; 735 ILCS 5/3-104.

5. Venue is proper under Sections 5/2-103 and 5/3-104 of the Illinois Code of Civil Procedure, because the permit at issue was issued with respect to subject matter located in this judicial district and parts of the transaction or occurrence giving rise to this cause of action occurred in this judicial district. 735 ILCS 5/2-103; 735 ILCS 5/3-104.

6. The Court has general jurisdiction over Plaintiff's common law public trust claims (Counts I & II) under Article VI, Section 9 of the Illinois Constitution. Ill. Const. art. VI § 9.

7. The Court has jurisdiction to review Defendant IDNR's administrative actions (Counts III & IV) under Section 5/3-104 of the Illinois Code of Civil Procedure. The final administrative decision at issue is IDNR Permit LM2025011, attached hereto as Exhibit A, issued by Defendant IDNR on December 24, 2025. 735 ILCS 5/3-104.

8. Section 5/3-103 requires commencement of an action for judicial review of an agency action:

within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision The method of service of the decision shall be as provided in the Act governing the procedure before the administrative agency, but if no method is provided, a decision shall be deemed to have been served either when a copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to the party affected by the decision at his or her last known residence or place of business.

735 ILCS 5/3-103.

9. Neither Defendant IDNR nor any other entity has yet served Plaintiff, in accordance with 735 ILCS 5/3-103, with a copy of the final decision that Plaintiff challenges in this action: Permit LM2025011.

10. As such, the 35-day time limitation contained in Section 5/3-103 has not run before the commencement of this action.

11. Plaintiff participated in the Defendant IDNR proceeding related to Permit LM2025011 and all other conditions precedent to the filing of this action have been performed.

12. Plaintiff filed her initial complaint in this action on January 28, 2026.

PARTIES

Plaintiff

13. Plaintiff Laurie A. Morse is a natural person, taxpayer, voter, and resident of the village of Northbrook, Illinois. Plaintiff regularly swims, sails, paddleboards, and kayaks in the nearshore waters of Lake Michigan within the jurisdictional limits of Cook County during the warm seasons, including just off the shoreline of Centennial Beach in Winnetka, Illinois. Plaintiff routinely helps others participate in these recreational activities. At all times of year, Plaintiff also regularly strolls along the uninterrupted Winnetka strand of shoreline extending south from

Elder Lane to the south end of what is now the upland address of 205 Sheridan Road in Winnetka, traversing the whole beach in the course of those strolls. To protect and preserve the rights of herself and similarly situated shore users, Plaintiff is registered with Defendant IDNR to receive notices of all applications for permits for shoreline projects.

Defendants

14. Defendant IDNR at all relevant times was a state agency with executive offices in Springfield, Illinois and was created by the legislature under the Department of Natural Resources Act, 20 ILCS 801/1-1 *et seq.*

15. The Rivers, Lakes & Streams Act (“RLSA”) commands Defendant IDNR to “jealously guard” the rights of the public. 615 ILCS 5/7. Under the RLSA, Defendant IDNR is the designated “trustee” to protect the bodies of water held in trust for the people of Illinois. 615 ILCS 5/24. As part of its duties as trustee, Defendant IDNR has the authority to grant or deny permit applications for construction and encroachments into any public body of water, including Lake Michigan (615 ILCS 5/5 *et seq.*), and has issued rules for administering such permits under 17 Ill. Admin. Code § 3704 (“Part 3704”).

16. Defendant IDNR, as a governmental body, is subject to the independent constraints of the public trust doctrine when it seeks to give away or allow encroachments upon lands, waters and resources held in public trust.

17. OWR is a division of Defendant IDNR, formed by virtue of the same act that created Defendant IDNR. Defendant IDNR’s OWR maintains offices in Chicago, Illinois.

18. Defendant WPD is an Illinois park district organized and authorized to act under the Park District Code, 70 ILCS 1205/1-1 *et seq.*

19. Defendant WPD is considered a “Submerged Lands Park District” under the Park District Code because its properties border a navigable body of water, Lake Michigan. 70 ILCS 1205/1-3(c).

20. When pursuing new projects on WPD land, and in addition to seeking permits from Defendant IDNR for projects along the Lake Michigan shore, Defendant WPD must also seek recommendation for a Special Use Permit from the Village of Winnetka’s departments and advisory boards and must receive approval from the Winnetka Village Council to proceed with project construction. Winnetka Village Code § 17.56.

CENTENNIAL BEACH

21. Since 1969, the centennial of the founding of Winnetka, Defendant WPD has managed and maintained a public park called Centennial Park, located at 225 Sheridan Road, on the shore of Lake Michigan. To prevent excessive development of private homes on the lakeshore and ensure public access to the lakefront, Defendant WPD acquired the park land with funds issued by a referendum in 1968.

22. Adjacent to the upland portion of Centennial Park, and technically part of the park, is a beach known as Centennial Beach. Since 1995, Defendant WPD has allowed dog owners to use Centennial beach as a “dog area,” and has required that dogs be kept on leashes since 2023.

23. Defendant IDNR’s regulations classify the entirety of Lake Michigan as a public body of water covered under the Part 3704 requirements. 17 Ill. Admin. Code § 3704, Appendix A (defining Lake Michigan as a public body of water).

24. Since time predating the incorporation of the Village of Winnetka, the shore of Lake Michigan between the Chicago River and what is now Wisconsin has been used by humans for passage both on foot and by watercraft.

25. Historically and at all relevant times, the aforesaid shoreline could be navigated and the beaches in what is now Winnetka could be and were accessed by watercraft such as canoe, sailboats, power boats, kayak, paddle board, and raft, as well as by flotation tubes and other modern means of personal water transportation such as jet-skis.

26. Defendant IDNR is aware of the Lake Michigan shoreline's navigability, in part because many riparian homeowners both north and south of Centennial Beach have boat ramps that have been viewed, surveyed, and/or approved by Defendant IDNR.

27. Such owners use the ramps to launch watercraft into Lake Michigan in Winnetka and other communities, from beaches similar in topography to those of Centennial Beach.

28. In addition, Defendant IDNR issues permits for construction of shore protection projects, including artificial beaches, which often involve commercial companies that use barges in Lake Michigan to deliver sand, rock, and other materials and equipment.

29. Larger vessels such as those used for shoreline projects routinely navigate waters close to shore, or even at the shoreline, allowing delivery of services, equipment, fuel and construction materials.

30. The Village of Winnetka recognizes that the shoreline is used for navigation by both water and land by declaring that the shore is a public street under village code. Winnetka Village Code § 17.04.030(R)(10).

THE ADJOINING PROPERTY TO THE SOUTH

31. On May 2, 2023, Plaintiff received notice from Defendant IDNR that the Department had issued Permit LM2023004 to fill Lake Michigan below the upland address of 205 Sheridan Road, Winnetka.

32. The upland property referenced in Permit LM2023004 is directly south of and adjacent to Defendant WPD's Centennial Park.

33. Defendant IDNR attached conditions to Permit LM2023004, including:

A. "Any artificially created beach area is considered to be public property and the owner of the upland property may not do anything to impair or prohibit lawful public use of such created beach area."

B. "Place at least 2,521 cubic yards of clean beach nourishment as pre-mitigational fill."

C. Modification of the permit design to allow pedestrian access over and across the rocks planned for the north boundary of the new beach at a point where walkers could access the new 205 Sheridan public beach from Centennial Park without having to walk in the water.

D. Modification of the permit design to allow public access across the new 205 Sheridan artificial public beach's south groin, so the public could continue walking south.

34. In conditioning the permit on "beach nourishment as pre-mitigational fill,"

Defendant IDNR was aware that a commercial barge would navigate the near-shore area of 205 Sheridan Road, an adjoining property to Centennial Beach.

35. Indeed, a commercial barge was used by the 205 Sheridan Road landowner as part of the beach construction project.

THE RESTRICTED DONATION AGREEMENT AND CENTENNIAL PARK BEACH PROJECT

36. On January 19, 2024, Defendant WPD entered into the "Restricted Donation Agreement Between Winnetka Park District and Ishbia Family Foundation, Inc. for the Centennial Park Improvement Plan" (hereafter, "Restricted Donation Agreement"). On information and believe, the Ishbia Family Foundation, Inc. ("IFF") is an entity affiliated with the owner of 205 Sheridan Road, Orchard 2020 Revocable Trust.

37. The Restricted Donation Agreement includes a restrictive covenant, binding Defendant WPD for a term of fifty years in regard to certain uses of and activities at Centennial Park.

38. The Restricted Donation Agreement purports to have the purpose of improving access to Centennial Beach and “re-establish[ing]” the dog beach, because it asserts that Centennial Beach has “not been fully open and available for residents and their families to enjoy, since 2020,” due to “deterioration and weather-related damage.”

39. The Restricted Donation Agreement does not refer to any basis for the statements it contains regarding the status and uses of Centennial beach.

40. Indeed, the statements in the Restricted Donation Agreement regarding the status and uses of Centennial Beach contradict Defendant WPD’s public statements, which note that the Centennial Park dog beach is open year-round and that trends in beach pass issuances have been relatively steady since 2010.

41. Under the Restricted Donation Agreement, Defendant WPD commits to pursuing the specific beach renovation project particularly described with design drawings in an exhibit thereto, in exchange for a \$3,000,000 donation from IFF.

42. The specific project design required by the Restricted Donation Agreement includes fencing at the north and south boundaries of Centennial Beach, including one fence positioned at the boundary between Centennial Beach and the neighboring property at 205 Sheridan Road and extending into the waters of Lake Michigan 112 feet (as measured from the toe of the bluff).

43. The specific designs also include the following at Centennial Park: an “ADA-accessible pathway from the parking lot to the beach,” a dog park, a pedestrian bypass, and a breakwater system.

44. Final schematics included in the Restricted Donation Agreement do not include clear plans for beachgoers to traverse the beach around the “ornamental fence” along the north and south boundaries of Centennial Beach, despite the location of the fences functionally cutting off Centennial Beach from the rest of the shoreline.

45. The Restricted Donation Agreement, states that “no tangible benefit, goods, or services will be provided to IFF or any individuals or entities connected with the IFF as a condition to the donation,” and that “the donation will serve a public purpose.”

46. On information and belief, prior to entering into the Restricted Donation Agreement, Defendant WPD never stated any need for a fence to operate the dog beach at Centennial Park.

47. On information and belief, counsel for IFF has emailed instructions to counsel for Defendant WPD directing that “private property” signage be installed at the north and south property lines of Centennial Beach.

48. The beach on the other side of the south property line of Centennial Beach is public property, as reflected in Defendant IDNR’s Permit LM2023004.

APPLICATION FOR PERMIT LM2025011 FROM DEFENDANT IDNR

49. On April 25, 2025, just over one year after execution of the Restricted Donation Agreement, Defendant WPD submitted a permit application to Defendant IDNR seeking approval to erect fencing near the property lines of Centennial Park and extending into Lake Michigan.

50. Defendant WPD's fence permit application was designated IDNR C2025015 and United States Corps of Engineers LRC-2023-082. This application eventually resulted in the issuance of Permit LM2025011 by Defendant IDNR.

51. A map and plans were attached to the application, showing Defendant WPD proposed to erect fences across Centennial Beach and into the waters of Lake Michigan.

52. The map and plans submitted as part of the application are nearly identical to the plans included in the Restricted Donation Agreement, though the former more clearly indicate where certain features will be located.

53. On April 29, 2025, Defendant IDNR's OWR confirmed receipt of Defendant WPD's permit application and acknowledged that the department "will review the proposed project to ensure compliance with [RLSA]."

54. Defendant IDNR's acknowledgment of the application did not mention any other legal authority relevant to its review.

55. On May 22, 2025, Plaintiff received, via U.S. mail, a public notice from Defendant IDNR that the Department had received an application from Defendant WPD for a permit to build fences near both boundaries of Centennial Beach, into the waters of Lake Michigan. The public notice acknowledged that "the proposed project will be reviewed using the Department's Part 3704 rules."

56. Defendant IDNR's public notice of Defendant WPD's application did not mention any other statute or legal authority relevant to its review of the permit application.

57. Throughout the permit review process, Plaintiff emailed requests for more information related to Defendant IDNR's review of the permit application. Defendant IDNR

responded to such emails noting again that “the proposed project will be reviewed using the Department’s Part 3704 Rules.”

58. On June 10 and June 13, 2025, Plaintiff submitted extensive comments to Defendant IDNR addressing the requirements of the RLSA and how people use Centennial Beach and Lake Michigan. Plaintiff’s comments demonstrated that the project would obstruct public use and requested that the permit be denied.

59. In each comment submitted by Plaintiff in response to Defendant WPD’s permit application, Plaintiff requested a public hearing.

60. Among Plaintiff’s objections to Defendant WPD’s fence application was that the proposed fencing on the south side of Centennial Beach would block public access to the new artificial public beach at 205 Sheridan Road.

61. Included in Plaintiff’s comments was a copy of the Restricted Donation Agreement between IFF and Defendant WPD.

62. Neither in correspondence with Plaintiff nor in any internal IDNR documents of which Plaintiff is aware has Defendant IDNR acknowledged the Restricted Donation Agreement or assessed whether the fencing described in Permit LM2025011 benefits a private donor.

63. On information and belief, Defendant IDNR has not previously approved anywhere on the North Shore or elsewhere on the Illinois coastline of Lake Michigan, a fence extending over dry land below the Ordinary High Water Mark, and into the waters of Lake Michigan, impeding pedestrians, fishermen, swimmers, waders and watercraft users.

64. In fact, issuing such a permit is inconsistent with Defendant IDNR’s own regulations and practices. For example, in 2012, a condo association located at 6249 North Sheridan Road erected a fence extending into the waters of Lake Michigan. Defendant IDNR

issued a letter to the condo association identifying construction of the fence as a violation of law and directing removal of the fence. The letter stated, unequivocally: “[a]s a rule the Department does not allow the construction of fences on the bed of Lake Michigan.”

65. Defendant IDNR’s rules governing the regulation of public waters includes a specific list of purposes for which a permit may be granted for construction in public waters. 17 Ill. Adm. Code § 3704.70(b). None of those permissible purposes include the construction of fences.

66. Thirty-two other members of the public submitted comments to Defendant IDNR in opposition to the fences in Lake Michigan and across Centennial Beach, emphasizing that the fencing would impede and impair public use for recreation and passage.

67. Defendant IDNR received no comments in favor of issuing Permit LM2025011.

68. Dog owners who could be considered beneficiaries of the dog beach project related to this permit also submitted overwhelmingly negative comments.

69. On August 8, 2025, the Illinois Environmental Protection Agency (“IEPA”) issued a final determination under the Illinois Environmental Protection Act regarding anticipated construction of the project described in Permit LM2025011 and impacts on water quality. One condition included in IEPA’s letter was that “the applicant shall not cause interference with water use practices near public recreation areas.”

70. On September 25, 2025, Plaintiff sent a letter alerting counsel for Defendant IDNR that issuance of Permit LM2025011 would limit access to the adjacent artificial beach created at 205 Sheridan Road. That artificial beach is public property, and it is designated as such in the conditions of Permit LM2023004.

71. If constructed, the project permitted under Permit LM2025011 would therefore restrict access to approximately 1,200 feet of shoreline, with fencing blocking approximately 700

feet of Centennial Beach and frustrating access to another approximately 500 feet of adjacent public beach at 205 Sheridan Road.

ISSUANCE OF PERMIT LM2025011 BY DEFENDANT IDNR

72. On December 24, 2025, Plaintiff received an email from Defendant IDNR, which included a one-page attachment that stated Defendant WPD's fence application had been approved, and IDNR Permit LM2025011 had been awarded. This email, including the attachment thereto, is attached hereto as Exhibit B.

73. The Christmas Eve email received by Plaintiff on December 24, 2025, did not include a copy of Permit LM2025011.

74. Defendant IDNR has not served Plaintiff with a copy of Permit LM2025011 through personal service or United States mail.

75. Permit LM2025011 includes a description of the approved project and incorporates several conditions, including the special conditions included in the final determination by IEPA on August 8, 2025.

76. The email to Plaintiff on Christmas Eve did not include all the information included in Permit LM2025011 itself, and it did not describe the conditions or reference the IEPA letter.

77. The attachment to the email to Plaintiff on Christmas Eve included a statement reciting the legal authorities Defendant IDNR purported to consider in issuing Permit LM2025011, but did not explain the facts Defendant IDNR found to support its decision or explain Defendant IDNR's legal reasoning.

78. Prior to issuing Permit LM2025011, Defendant IDNR did not conduct any assessment of impacts of the fencing on commercial or recreational navigation, shoreline traffic or beachgoers.

79. Defendant IDNR has not explained or cited any factual support for the assertion that there is a public benefit of the fencing authorized by Permit LM2025011.

80. The attachment to Defendant IDNR's email to Plaintiff on December 24, 2025, stated: "When processing an application for permit, the Department reviews the application for its compliance with our Part 3704 rules. The application was also reviewed using the Park District code (70 ILCS 1205/11-2)."

81. Defendant IDNR's email asserted that, under the Park District Code, Defendant WPD has "the right to take possession of, enclose, fill in, reclaim and protect any portion of such submerged land bordering thereon, over which there shall be shoal and shallow water not fit for navigation."

82. Defendant IDNR did not explain the basis for finding, as a factual matter, that that provision of the Park District Code applied to the submerged lands bordering Centennial Park.

83. Defendant IDNR has no evidence of a shoal or shallow waters bordering Centennial Park.

84. In response to a Freedom of Information Act ("FOIA") request submitted after the issuance of Permit LM2025011, Defendant IDNR admitted to having no evidence or information supporting the conclusion that there are shoals or shallow water causing the Winnetka shore to be non-navigable.

85. Maritime charts also show an absence of a shoal off the coast of Centennial Beach.

86. Prior to the Christmas Eve notice of approval, Defendant IDNR had not notified the public that it would apply the Park District Code to its consideration of this permit application.

87. Even after the notice, Defendant IDNR has nowhere explained or provided reasoning for the application of the Park District Code.

88. Permit LM2025011 itself does not include any reference to the Park District Code.

89. The Park District Code is not part of the enabling law of Defendant IDNR.

90. Plaintiff first received an explanation of the permit issuance and application of the Park District Code in early January of 2026, after a neighbor submitted a FOIA request to Defendant IDNR and received an OWR memorandum dated December 11, 2025.

91. Because Defendant IDNR had never indicated that the Park District Code was relevant to its review of this permit application—or indeed of any other permit application submitted to Defendant IDNR—prior to the day on which it issued Permit LM2025011, members of the public had no opportunity to comment on whether the Park District Code provisions cited by Defendant IDNR apply, as a factual matter, to the application.

92. Specifically, Defendant IDNR deprived the public of opportunity to present, and itself of the opportunity to consider in its permit review, information that Plaintiff and others of the public would have supplied on the Park District Code as it relates to the Centennial Park fencing project and the navigability of Lake Michigan.

93. In the attachment to Defendant IDNR's December 24, 2025, email to Plaintiff, Defendant IDNR also declined Plaintiff's requests for public hearing.

94. Defendant IDNR's approval of Permit LM2025011 is a final administrative decision reviewable under the Administrative Review Law (735 ILCS 5/Art. III).

CLAIMS FOR RELIEF

Count I: Defendant WPD's Fencing Project Permitted by Defendant IDNR Violates the Public Trust Doctrine.

95. Plaintiff repeats and incorporates herein by reference each and every allegation contained in the preceding paragraphs 1 through 94 as if fully set forth herein.

96. Under the Equal Footing Doctrine, ownership of submerged lands was transferred to the State of Illinois at the time of statehood. These submerged lands are held in trust by the State for the benefit of the People.

97. The submerged beds of Lake Michigan are part of this public trust.

98. The State of Illinois therefore acts as an agent of the underlying owners of the trust: the people.

99. Illinois courts have held that a purpose of the public trust doctrine is for courts to ensure that any encroachment of public lands or waters is permitted only in good faith, only for the public good, and only to the extent authorized clearly by the legislature within constitutional and common law constraints. The public trust doctrine mandates that certain public resources, like the bed of Lake Michigan, are held in trust for all—government agencies and even the legislature itself make decisions about such resources not under their own authority, but only as agents of the people, who are the beneficiaries of that trust and underlying owners of the resources. The purpose of the public trust doctrine is for courts to police the legislature's disposition of public lands.

100. The public trust doctrine requires the State of Illinois to protect the public's ability to navigate, conduct commerce, and recreate on Lake Michigan, including bathing, swimming, and other shore activities.

101. Defendant IDNR's issuance of Permit LM2025011 authorizes the construction of fencing on public trust land, including the shore and submerged bed of Lake Michigan.

102. This permitted fencing will disrupt the public's use of the public trust land by interfering with the continuity and accessibility of near-shore lakebed.

103. The Restricted Donation Agreement signed by Defendant WPD states that the enhancements made to Centennial Beach with the fenced-in dog beach "serve a public purpose." While other aspects of the broader proposed renovations to Centennial Park may indeed serve a public purpose if they improve access to Centennial Beach, Permit LM2025011 relates only to the construction of fencing on the boundaries of the beach, which will cut people off from public trust land on the shoreline and in the water recreating with watercraft such as canoes, sailboats, power boats, kayaks, paddle boards, rafts, or flotation tubes.

104. Even if there are also some purported public benefits, public trust land cannot be relinquished where the primary purpose for the transaction is to benefit a private interest.

105. With respect to Permit LM2025011, the purpose of the permitted fencing is to fulfill the wishes of a private party or parties, Defendant WPD's counterparty to the Restricted Donation Agreement and the owner of the property adjacent to Centennial Park.

106. Pursuant to the Restricted Donation Agreement and in return for a \$3,000,000 donation, Defendant WPD agreed to construct the specific fencing design dictated by IFF.

107. The same fencing, authorized by Permit LM2025011, effectively privatizes the shoreline next to the upland neighboring property located at 205 Sheridan Road for the benefit of that landowner, despite Defendant IDNR's previous designation of the artificial beach adjacent to 205 Sheridan Road as public land open for public access.

108. The fencing permitted by Defendant IDNR offers no public benefit to warrant such a disruption to the use of public trust land.

109. Any benefit to dog owners of having the fence extend into public trust land is unsubstantiated by the record before Defendant IDNR and, to the extent it could be substantiated, would be incidental to the private benefits Plaintiff alleges.

110. Moreover, the near-shore parts of Lake Michigan are both navigable and part of the public trust held by the State of Illinois for the benefit of the people.

111. Defendant IDNR's authorization of fencing extended into Lake Michigan blocks public access and recreation along the shore.

112. Such an action was arbitrary and unreasonable, and prioritizes the private interests in securing the fence requirements in the Restricted Donation Agreement and in effectively privatizing the public beach at 205 Sheridan Road.

113. Defendant IDNR's Permit LM2025011 therefore violates the public trust doctrine by impeding the public's use of public trust land and should be reversed.

Prayer for Relief as to Count I.

WHEREFORE, Plaintiff Laurie A. Morse asks this honorable Court to enter an Order in her favor and against Defendants on Count I:

- (a) Vacating or reversing issuance of Permit LM2025011 because it violates the Public Trust Doctrine and directing Defendant IDNR to issue a denial of Permit LM2025011 under Part 3704 and the RLSA;
- (b) Declaring that the RLSA and Part 3704 do not authorize Defendant IDNR to limit application of the Public Trust Doctrine;

- (c) Declaring that Defendant IDNR is prohibited from issuing permits allowing encroachments on land or natural features held in the public trust where such encroachments primarily serve a private interest;
- (d) Declaring that Defendant WPD may not proceed with further action based on Permit LM2025011, including but not limited to construction, the use of a temporary fence, or the exclusion of persons from any part of the public beaches or public waters; and
- (e) granting such other relief as is equitable under the circumstances.

Count II: By Authorizing the Obstruction of Public Access to the Artificial Beach Created under Permit LM2023004, IDNR Permit LM2025011 Violates the Public Trust Doctrine.

114. Plaintiff repeats and incorporates herein by reference each and every allegation contained in the preceding paragraphs 1 through 113 as if fully set forth herein.

115. Permit LM2023004 authorized the creation of artificial beach at 205 Sheridan Road and acknowledged that such artificial beach and any future accretions to that created beach are public property.

116. The title to naturally and artificially accreted lands remain with the original riparian owner; in this case, the title to the accreted beach adjacent to the property at 205 Sheridan is held by the State of Illinois.

117. The requirement of public access and enjoyment of lands covered by the public trust doctrine likewise applies to accreted beaches and artificially constructed beaches permitted by Defendant IDNR for shore protection.

118. Defendant IDNR explicitly recognized this condition of the public trust doctrine in Permit LM2023004, which required pedestrian access over and across the rocks planned for the north boundary of the created beach, construction of which was authorized by that permit, at

a point where walkers could access the newly created public beach from Centennial Beach without having to walk in the water.

119. Defendant IDNR's issuance of Permit LM2025011 to Defendant WPD impermissibly authorizes blocking access to that public trust land.

120. Permit LM2025011 authorizes the construction of two shore-perpendicular fences which span 91 feet and 78.25 feet respectively, extending 15 feet into the waters of Lake Michigan. These fences would block the beach from public access and impede public enjoyment of the land and water.

121. Because the public trust doctrine protects near-shore activities like swimming and walking in the water, the extension of the fences into the water violates the public trust doctrine.

122. The inclusion of two gates, 57 feet and 59 feet from the waters of Lake Michigan, does not remedy the permit's failure to ensure adequate public access to an uninterrupted shoreline as protected by the public trust doctrine. The south gate, only 39 inches wide, is too narrow to bring in small craft like kayaks, tubes, and other elements of recreation central to public enjoyment of the public land. The gates also fail to mitigate the obstacles created by chain-link fencing and faced by beachgoers and recreators who want to access the 500 linear feet of public beach adjacent to 205 Sheridan.

123. Further, the inclusion of two small gates in lengthy fences does not do anything to dispel the message that the land is fenced off and not open to the public, anathema to the core purpose of the public trust doctrine.

124. Indeed, upon information and belief, an attorney for the neighboring private landowner has even directed Defendant WPD to install signage indicating that it is "private

property” beyond the property line of Centennial Beach, with vague references to restrictions against trespassing.

125. Such signs further deter people from entering the public beach on the other side of the fence. Entry gates along the fencing are rendered meaningless in the presence of such signage.

126. Residents of Winnetka who are not dog owners and therefore cannot register for dog-beach access are blocked not only from Centennial Beach’s dog area but also deterred from accessing the public beach adjacent to 205 Sheridan by the fencing and signage, losing all access to their local public trust land.

127. As such, the project permitted by Permit LM2025011 will interfere with the public’s use of the public trust land by disrupting with the continuity and accessibility of public beaches, public waters, and near-shore lakebed.

128. Defendant IDNR’s Permit LM2025011 therefore violates the public trust doctrine by impeding the public’s use of public trust land and waters, and should be reversed.

Prayer for Relief as to Count II.

WHEREFORE, Plaintiff Laurie A. Morse asks this honorable Court to enter an Order in her favor and against Defendants on Count II:

- (a) Vacating or reversing issuance of Permit LM2025011 because it violates the Public Trust Doctrine and directing Defendant IDNR to issue a denial of Permit LM2025011 under Part 3704 and the RLSA;
- (b) Declaring that the RLSA and Part 3704 do not authorize Defendant IDNR to limit application of those laws or the Public Trust Doctrine only to areas of Lake Michigan where commercial vessels are engaged in commercial navigation;

- (c) Declaring that Defendant IDNR is prohibited from issuing permits allowing encroachments on land or natural features held in the public trust where such encroachments primarily serve a private interest;
- (d) Declaring that Defendant WPD may not proceed with further action based on Permit LM2025011, including but not limited to construction, the use of a temporary fence, or the exclusion of persons from any part of the public beaches or public waters; and
- (e) granting such other relief as is equitable under the circumstances.

Count III: Defendant IDNR Violated RLSA and Part 3704 By Issuing Permit LM2025011.

129. Plaintiff repeats and incorporates herein by reference each and every allegation contained in the preceding paragraphs 1 through 128 as if fully set forth herein.

130. Defendant IDNR was created by the Illinois legislature and is delegated certain responsibilities under the Rivers, Lakes, and Streams Act (“RLSA”). 615 ILCS 5/4.9 *et seq.* The Public Trust Doctrine constrains the legislature, in turn, the RLSA applies constraints upon Defendant IDNR that include constraints based in the Public Trust Doctrine. Defendant IDNR must comply with both the mandates of the RLSA imposed by the legislature and underlying Public Trust Doctrine limitations on the exercise of all state power.

131. The RLSA provides:

“It shall be the duty of [Defendant IDNR] to have a general supervision of every body of water within the State of Illinois, wherein the State or the people of the State have any rights or interest.”

615 ILCS 5/7.

132. Defendant IDNR is required to:

“[E]xercise a vigilant care to see that none of said bodies of water are encroached upon, or wrongfully seized or used by any private interest in any way.”

615 ILCS 5/7.

133. Encroachment upon lands or waterbodies subject to the RLSA and held in the public trust requires permission from Defendant IDNR.

134. Pursuant to RLSA, Defendant IDNR is designated as the “trustee” of the bodies of water held in trust for the benefit of the people of the State of Illinois. 615 ILCS 5/24.

135. The legislature commands Defendant IDNR to construe the RLSA “in a liberal manner” in favor of preserving public rights and “to prevent to the fullest extent, the slightest improper encroachment or invasion upon the rights of the State of Illinois, or any of its citizens.” 615 ILCS 5/27.

136. Defendant IDNR carries out its responsibilities under RLSA pursuant to Part 3704 (17 Ill. Adm. Code § 3704), for which the stated purpose is to protect public rights in Illinois’s public bodies of water. 17 Ill. Adm. Code § 3704.10.

137. Under 17 Ill. Adm. Code § 3704.10, Defendant IDNR regulates construction to prevent:

- (1) Obstruction to, or interference with, the navigability of any public body of water;
- (2) Encroachment on any public body of water; and
- (3) Impairment of the rights, interests or uses of the public in any public body of water.

17 Ill. Adm. Code § 3704.10.

138. Pursuant to 17 Ill. Admin. Code §3704.30, Defendant IDNR has the authority to grant or deny permit applications for construction in a public body of water.

139. Part 3704 classifies the entirety of Lake Michigan as a public body of water. 17 Ill. Admin. Code § 3704, Appendix A.

140. Defendant IDNR maintains jurisdiction over any activity on the Lake Michigan shoreline that is at or below the Ordinary High Water Mark (“OHWM”) and up to the “toe of the bluff” where “the OHWM is lakeward of the existing bluff.” 17 Ill. Admin. Code § 3704.30(c).

141. The OHWM is an administrative boundary determined under federal law using the International Great Lakes Datum, a reference system used to measure water levels for the Great Lakes.

142. Since the OHWM is often above the water's edge, any exposed sand below the OHWM or to the toe of the bluff, is subject to state regulation to fulfill Public Trust Doctrine duties and as required by Part 3704 and RLSA.

143. Any encroachment into Lake Michigan is therefore subject to RLSA and the permitting and other requirements in Part 3704.

144. Because such encroachments into Lake Michigan are subject to the RLSA, Defendant IDNR is required to "jealously guard" public trust resources and to exercise "vigilant care" "to prevent to the fullest extent, the slightest improper encroachment" into Lake Michigan or "invasion upon the rights" of the people.

145. The placement of fill in public waters areas subject to regulation under Part 3704 is allowed "only for [listed] purposes." 17 Ill. Adm. Code § 3704.70(b).

146. The list of exclusively permittable purposes in § 3704.70(b) does not include any purpose that encompasses the construction of fences. Accordingly, IDNR's own regulations do not authorize the issuance of a Part 3704 permit for a project to construct fences into Lake Michigan. Permit LM2025011 is precisely such an unauthorized permit.

147. Defendant IDNR must ensure any encroachments into Lake Michigan are not "used by any private interest in any way." 615 ILCS 5/7; 615 ILCS 5/27.

148. Permit LM2025011 authorizes fencing that obstructs navigability for both commercial and recreational uses by extending into Lake Michigan and interrupting the continuity of the shoreline.

149. Allowing construction of multiple fences from the toe of the bluff across a Lake Michigan beach and into the water impairs the rights and uses of the public recreators who walk, wade, swim, paddle, and fish along the shore.

150. Throughout the permit process that led to LM2025011 and in the terms and conditions of that permit, Defendant IDNR failed to meet both the statutory requirements of the RLSA and the obligations set forth in its own regulations, 17 Ill. Adm. Code § 3704.10.

151. Defendant IDNR's internal memorandum dated December 11, 2025, purported to consider issuing Permit LM2025011 by evaluating the fencing project under 17 Ill. Adm. Code § 3704.80, which authorizes Defendant IDNR to conduct a review consistent with § 3704.10.

152. However, Defendant IDNR conducted no meaningful analysis of the project's actual potential to result in any obstruction, encroachment, or impairment under § 3704.10. Instead, the December 11, 2025, memorandum recited statements of law and compared the fence project to existing groins located outside of the project boundaries.

153. In addition, 17 Ill. Adm. Code § 3704.90 sets out "Departmental Standards" that Defendant IDNR must apply in considering permits, and states that "[n]o activity which would result in an obstruction to, or interference with, the navigability of any public body of water will be permitted." 17 Ill. Adm. Code § 3704.90(a).

154. Defendant IDNR may permit "an activity that would result in a long-term or permanent encroachment on a public body of water or impairment of any rights, interests or uses of the public" only if "it is demonstrated that" several specific conditions are met, including that such encroachments or impairments will be "minimize[d] and mitigate[d] to the fullest practicable extent" and that there is "a public benefit . . . from the activity which would offset the encroachment and/or impairment impacts." 17 Ill. Adm. Code § 3704.90(c).

155. Permit LM2025011 would authorize the obstruction of and interference with the navigability of Lake Michigan. Yet, Defendant IDNR has made no demonstration that the conditions required under § 3704.90(c) are met.

156. The approximately 1,200 feet of shoreline obstructed by the permitted fencing includes the entirety of Centennial Beach and the public beach adjacent to 205 Sheridan Road. Allowing the removal of such a significant area from public trust uses by the general public is not “minimiz[ing] and mitigat[ing] [the encroachments] to the fullest extent practicable.”

157. Defendant IDNR did not assess whether there would be any “public benefit” from the activity permitted under LM2025011; nor did it assess whether that purported “public benefit” of the activity would “offset” the impacts of the encroachment allowed under the permit.

158. Defendant WPD’s own public statements note that only approximately 31 unique users access the dog beach in the peak summer season, and the dog beach has operated for decades with no clear need for fencing. These facts contradict the need for a permit encroaching on an area of this size.

159. Defendant IDNR did not conduct any assessment of the impacts of the fencing for shore recreators and beachgoers. Defendant IDNR also did not consider how future changes in water levels could result in the fences extending more than 15 feet into the water.

160. The arbitrariness and incoherence of Defendant IDNR’s failure to meet these statutory and regulatory duties to reject permit applications that encroach upon or impair public uses of public trust resources is demonstrated by Defendant IDNR’s blanket incorporation as a permit condition in LM2025011 of all construction requirements set forth in IEPA’s August 8, 2025, letter. IEPA issued the final determination “subject to the applicant’s compliance with” certain conditions, including that the applicant shall not “cause interference with water use

practices near public recreation areas.” The fencing authorized by the permit interferes with water use in a public recreation area by extending into Lake Michigan.

161. Additionally, Permit LM2025011 has the primary effect of privatizing the entire public beach at a neighboring lakefront property, blocking public access to that public beach and the shores of Lake Michigan.

162. Defendant IDNR never acknowledged the Restricted Donation Agreement between Defendant WPD and IFF while reviewing the application. Defendant WPD’s response to Plaintiff’s public comments also failed to acknowledge this Restricted Donation Agreement.

163. Defendant IDNR did not assess in any way whether there was a private purpose for the project permitted under Permit LM2025011.

164. In issuing Permit LM2025011, Defendant IDNR failed to show that the primary purpose of the project was for a public benefit.

165. Defendant IDNR’s failure to assess whether there was a private purpose for this project violates the specific requirements that the RLSA imposes on Defendant IDNR, set forth above.

166. This Court’s review and reversal of Defendant IDNR’s action here is particularly critical in light of the fact that Defendant IDNR received direct evidence that the proposed project was intended to benefit private interests during the permit process and yet still failed to even consider the legislature’s commands in the RLSA that the agency “jealously” and “vigilant[ly]” guard against encroachments on the public trust intended to benefit private interests.

167. Plaintiff pursued all available information and took all possible actions to participate in Defendant IDNR’s review process related to Permit LM2025011, including signing

up to receive notices about the permit process, submitting multiple comments and making other communications to the agency during the process, and requesting a public hearing. Plaintiff, as a party of record, now seeks judicial review of Permit LM2025011 under the Administrative Review Law.

168. Because Defendant IDNR's issuance of Permit LM2025011 violated the RLSA and the department's own regulations as set forth above, Plaintiff respectfully requests that the Court reverse Defendant IDNR's issuance of Permit LM2025011, vacate the permit, and declare invalid Defendant IDNR's legally-erroneous reasoning underlying its decision to issue the permit.

Prayer for Relief as to Count III.

WHEREFORE, Plaintiff Laurie A. Morse asks this honorable Court to enter an Order in her favor and against Defendants on Count III:

- (a) Reversing the decision of Defendant IDNR to approve Permit Application C20250015 and issue Permit LM2025011 and directing Defendant IDNR to issue a denial of Permit LM2025011 under Part 3704 and the RLSA;
- (b) Reversing those parts of the decision to issue Permit LM2025011 that included Defendant IDNR's application of the RLSA and Part 3704 to limit application of those laws or the Public Trust Doctrine only to areas of Lake Michigan where commercial vessels are engaged in commercial navigation;
- (c) Reversing the decision of Defendant IDNR to issue Permit LM2025011 based on the proposition of law that Defendant IDNR is prohibited from issuing permits allowing encroachments of public resources that primarily serve a private interest; and
- (d) granting such other relief as is equitable under the circumstances.

Count IV: Defendant IDNR Violated the RLSA and Public Trust Doctrine By Improperly Applying the Park District Code When Issuing Permit LM2025011.

169. Plaintiff repeats and incorporates herein by reference each and every allegation contained in the preceding paragraphs 1 through 168 as if fully set forth herein.

170. Defendant IDNR improperly applied the Park District Code, 70 ILCS § 1205, in addition to the RLSA and its Part 3704 regulations when reviewing the application for Permit LM2025011.

171. In a one-page notice letter received by Plaintiff on December 24, 2025, Defendant IDNR stated that it had reviewed Permit LM2025011 using Part 3704 and the Park District Code.

172. Prior to December 24, 2025, Defendant IDNR had never stated to the public that the Park District Code was relevant to the agency's permit review process.

173. As a result, commenters during the public comment period in June of 2025 had no ability to comment on the use of the Park District Code by Defendant IDNR.

174. Moreover, Permit LM2025011 itself contains no reference to the Park District Code. Instead, Permit LM2025011 states that the permit is "granted in accordance with [RLSA] and the Environmental Protection Act." This differs from the notice received by Plaintiff on December 24, 2025, which does indicate a review using the Park District Code.

175. Until Plaintiff secured a copy of the issued permit through FOIA requests substantially after December 24, 2025, Plaintiff was unable to observe this relevant difference between the email attachment and Permit LM2025011.

176. Defendant IDNR has not, at any time, provided any public explanation of how it applied the Park District Code in considering whether to issue Permit LM2025011.

177. In an internal memorandum dated December 11, 2025, which Plaintiff subsequently obtained via FOIA request, Defendant IDNR's OWR recited the Park District Code 70 ILCS 1205/11-2, which states that:

"When any park district borders upon any navigable body of water, the title to the bed or submerged land of which is vested in the State of Illinois..."

70 ILCS 1205/11-2.

178. This section continues on to note that:

"[S]aid district may take possession of, enclose, fill in, reclaim and protect any portion of such submerged land bordering thereon, **over which there shall be shoal and shallow water not fit for navigation.**"

70 ILCS 1205/11-2 (emphasis added).

179. Defendant IDNR's recommendation to grant Permit LM2025011 set forth in the December 11, 2025, memorandum, found the park fencing to be an "acceptable encroachment per the Park District Code."

180. In support of this conclusion, the memorandum simply restates, with no further analysis, Section 11-2 of the Park District Code that "gives park districts bordering upon any navigable water, the title to the bed or submerged land" and "allows said districts the right to . . . enclose . . . any portion of such submerged lands . . . over which there shall be shoal and shallow water not fit for navigation."

181. In considering whether to issue Permit LM2025011, Defendant IDNR never identified any evidence of shoals or shallows and made no factual findings that the necessary physical conditions required by Park District Code are present in the portion of the lakefront relevant to Permit LM2025011.

182. Indeed, when information about the presence of a shoal or shallow water not fit for navigation was requested from Defendant IDNR through a FOIA request, Defendant IDNR admitted it had no documentation to support that assertion.

183. Instead, Defendant IDNR misstated the navigability of Lake Michigan, asserting without any factual basis that the shore of Lake Michigan was not navigable due to a lack of near-shore commercial activity.

184. Under this interpretation, the near-shore portions of Lake Michigan up to some undefined point would be deemed outside of public trust protections.

185. Moreover, Defendant IDNR has never before evaluated Lake Michigan's navigability by arbitrarily subdividing the lake into undefined segments when applying its Part 3704 analysis.

186. Defendant IDNR's novel, unsupported, and unprincipled interpretation of the Park District Code would effectively exempt Lake Michigan's near-shore submerged lands from the Part 3704 analysis and impermissibly removes them from public trust protection in Illinois. Even if this were a proper application of the Park District Code—which it is not—the Park District Code cannot be the basis for a state agency to give away public trust property where the Public Trust Doctrine would not allow the legislature to do so itself.

187. Indeed, if allowed to stand, under Defendant IDNR's application of the Park District Code here, a park district would have statutory authority to unilaterally fill the shoreline with concrete. The same park district could fill the newly shoreline waters with concrete one year later, since the original concrete installation would have the effect of shifting the near-shore area further into the lake. Defendant IDNR's interpretation would illogically and radically render such actions of a park district beyond the reach of the public trust doctrine and RLSA.

188. Even applying the Park District Code here, Defendant IDNR's interpretation of it also ignores facts known to the agency, specifically commercial navigation permitted by Defendant IDNR itself—the use of commercial barges for beach construction projects. Such

navigation is taking place right next to Centennial Beach, proving the near-shore area is commercially navigable.

189. This interpretation also ignores that Defendant IDNR's own Part 3704 regulations classify the entirety of Lake Michigan as a public body of water that cannot be wrongfully encroached upon. 17 Ill. Admin. Code § 3704 Appendix A.

190. Even if the Park District Code was appropriate to apply at all to Defendant IDNR's review of Permit LM2025011, Defendant IDNR ignored 70 ILCS 1205/11-5, which states that "nothing in Section 11-2 [of the Park District Code] . . . shall be construed as granting . . . the right to interfere with the navigation of any navigable body of water." 70 ILCS 1205/11-5.

191. In arbitrarily applying the Park District Code to the proposed encroachment of fencing on Lake Michigan, Defendant IDNR violated its statutory responsibilities under RLSA, as set forth above in paragraphs 15 and 131 through 135.

192. Defendant IDNR's erroneous interpretation of the Park District Code is itself an erroneous basis for issuing Permit LM2025011 and must be reversed under the Administrative Review Law. By granting Permit LM2025011 to Defendant WPD under the Park District Code, Defendant IDNR also failed to comply with the requirements of the RLSA and violated the public trust doctrine.

Prayer for Relief as to Count IV.

WHEREFORE, Plaintiff Laurie A. Morse asks this honorable Court to enter an Order in her favor and against Defendants on Count IV:

- (a) Reversing the decision of Defendant IDNR to approve Permit Application C20250015 and issue Permit LM2025011 and directing Defendant IDNR to issue a denial of Permit LM2025011 under Part 3704 and the RLSA;
- (b) Reversing those parts of the decision to issue Permit LM2025011 that included Defendant IDNR's improper application of the Park District Code both as a matter of law and because Defendant IDNR's purported application of the Park District Code lacked factual support in the administrative record with respect to the presence of shoals or shallows on the shoreline of Lake Michigan;
- (c) Declaring that the Park District Code does not authorize Defendant IDNR to limit application of the RLSA, Part 3704, or the Public Trust Doctrine only to areas of Lake Michigan where commercial vessels are engaged in commercial navigation, and reversing those parts of the decision to issue Permit LM2025011 that are based on Defendant IDNR's erroneous propositions of law with respect to the Park District Code;
- (d) Declaring that Defendant WPD may not proceed with further action based on Permit LM2025011, including but not limited to construction, the use of a temporary fence, or the exclusion of persons from any part of the public beaches or public waters; and
- (e) granting such other relief as is equitable under the circumstances.

Date: July 6, 2026

/s/Robert Weinstock

Robert Weinstock
 ARDC# 6311441
 Cook County # 61504
 Environmental Advocacy Center
 Northwestern Pritzker School of Law
 375 E. Chicago
 Chicago, IL 60611
 (312) 503-1457
robert.weinstock@law.northwestern.edu

Counsel for Plaintiff Laurie A. Morse

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

LAURIE A. MORSE

Plaintiff,

v.

ILLINOIS DEPARTMENT OF
NATURAL RESOURCES, an Illinois
state agency, and WINNETKA PARK
DISTRICT, an Illinois park district

Defendants.

No. 2026-CH-00858

In review of
Permit Application
C20250015
Permit LM2025011

AMENDED COMPLAINT

EXHIBIT A



Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle St., S-703, Chicago, IL 60601

December 24, 2025

Costa Kutulas & Shannon Nazzal
Winnetka Park District
550 Hibbard Road
Winnetka, IL 60093

RE: IDNR/OWR application-for-permit C20250015 by the Winnetka Park District for the construction of fencing, in Lake Michigan, at 225 Sheridan Road, Winnetka, IL 60093

Dear Mr. Kutulas and Ms. Nazzal,

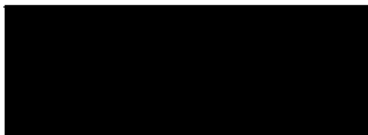
Enclosed is the Illinois Department of Natural Resources, Office of Water Resources (Department) Permit LM2025011 and Illinois Environmental Protection Agency (IEPA), August 8, 2025, Final Determination Letter authorizing the construction of fencing, in Lake Michigan, at 225 Sheridan Road, Winnetka, IL 60093.

Please be advised that the permit is subject to the conditions and special conditions contained within the permit.

If any changes in the location or plans of the work are found necessary, revised plans should be submitted promptly to the Department and IEPA so that approval is received prior to the initiation of the work.

If you have any questions, please contact me at eric.otto@illinois.gov.

Sincerely,



Eric L. Otto, PE, CPESC, CPSWQ
Senior Water Resources Engineer
Lake Michigan Programs

cc: Corps of Engineers (Sophia Morgan) w/enclosures
IEPA (Webert Deslien) w/enclosures

FILED DATE: 7/7/2026 1:37 PM 2026CH



PERMIT NO. LM2025011

DATE: December 11, 2025

State of Illinois
Department of Natural Resources, Office of Water Resources
and
Illinois Environmental Protection Agency

Permission is hereby granted to: **Winnetka Park District**
550 Hibbard Road
Winnetka, IL 60093

To install fencing, in Lake Michigan, at Centennial Dog Beach, at 225 Sheridan Road, Winnetka, IL 60093. The project is in the Southeast Quarter of Section 21, Township 42 North, Range 13 East in the 3rd Principal Meridian in Cook County.

In accordance with an application dated **April 24, 2025**, and the plans and specifications entitled:

WINNETKA PARK DISTRICT, LOCATION MAP: CENTENNIAL BEACH, 225 SHERIDAN ROAD, WINNETKA ILLINOIS 60093, ONE SHEET, UNDATED, RECEIVED APRIL 24, 2025.

CENTENNIAL DOG BEACH TEMPORARY DOG BEACH FENCING 225 SHERIDAN RD WINNETKA, IL 60093; SITE FENCING PLAN, SHEET NUMBER L2.0; FENCE ELEVATIONS, SHEET NUMBER L3.0; ALL SHEETS DATED APRIL 25, 2025; ALL SHEETS RECEIVED APRIL 24, 2025.

Examined and Recommended:



Eric L. Otto, Senior Water Resources Engineer
Division of Resource Management

Approval Recommended:



Rick Pohlman, Acting Director
Office of Water Resources

Approved:



Natalie Phelps Finnie, Director
Department of Natural Resources

This PERMIT is subject to the terms and special conditions contained herein and in the attached NOTICE OF FINAL DETERMINATION of the Illinois Environmental Protection Agency. This PERMIT is not valid unless a NOTICE OF FINAL DETERMINATION of the Illinois Environmental Protection Agency as required by Section 39(a) of the Environmental Protection Act is attached.

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," and the Environmental Protection Act "415 ILCS 5/1."
- 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 other state agency to do the work, this permit is not effective until the federal and state approvals are obtained. If construction does not begin within two years of the date of this permit, the permittee must submit the project to EcoCAT (<http://dnr.illinois.gov/EcoPublic/>) for an updated consultation under the Illinois Endangered Species Protection Act and the Illinois Natural Areas Preservation Act.
- 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 from Lake Michigan. 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 and/or the Agency. Department and Agency 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 and Agency in issuing this permit have 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) 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 and Agency do 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 here permitted is not completed on or before **December 31, 2028**, this permit shall cease and be null and void. When all work is constructed, the permittee shall notify the Department so that a final inspection can be completed.

THIS PERMIT IS SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- a) Contact the Department, at 312 793-3123, when the project has been completed.
- b) Conditions (1-7) of the August 8, 2025 Illinois Environmental Protection Agency Final Determination Letter.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2520 WEST ILES AVENUE, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JAMES JENNINGS, ACTING DIRECTOR

AUG 08 2025

Illinois Department of Natural Resources/Office of Water Resources
Lake Michigan Management Section
Michael A. Bilandic Building
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601

Re: Winnetka Park District - Centennial Dog Beach Temporary Dog Beach Fencing (Cook County)
IEPA Log Nos. 2025-72566 and C-0190-25
Bureau of Water ID #: W0318100074
Final Determination #: 2025-LM-72566

Dear Sir or Madam:

This Agency received a request on Monday, May 5, 2025, from Winnetka Park District requesting necessary comments concerning the proposed installation of 4 ft high chain link fence without concrete footings and posts driven directly into the clay substrate to the point of refusal.

Based on the information included in this submittal, it is our engineering judgment that the proposed project may be completed without causing water pollution as defined in the Illinois Environmental Protection Act, provided the project is carefully planned and supervised.

These comments are directed at the effect on water quality of the construction procedures involved in the above described project and are not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant toward the Agency.

This Agency hereby issues final determination under Section 39 of the Illinois Environmental Protection Act, subject to the applicant's compliance with the following conditions:

1. The applicant shall not cause:
 - a. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulations;
 - b. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - c. interference with water use practices near public recreation areas or water supply intakes; or
 - d. violation of applicable provisions of the Illinois Environmental Protection Act.
2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, straw bales, etc.) to prevent transport of sediment and materials into Lake Michigan.
4. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/streambanks, or 3) placed in waters of the State.
5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of staked straw bales, sedimentation basins and temporary mulching. All construction within the waterway shall be constructed during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
115 S. LaSalle Street, Suite 2203, Chicago, IL 60603
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000

595 S. State Street, Elgin, IL 60123 (847) 608-3131
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Lake Michigan Final Determination
IEPA Log no.: C-0190-25
Page 2 of 2

activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

6. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
7. This final determination does not cover material originating from Lake Michigan to be used as fill material.

This final determination becomes effective when the Illinois Department of Natural Resources, Office of Water Resources, includes the above conditions # 1 through # 7 as conditions of the requested permit issued pursuant to Section 39 of the Illinois Environmental Protection Act (415 ILCS 5/39) and Section 18 of the Rivers, Lakes, and Streams Act (615 ILCS 5/18).

This final determination does not grant immunity from any enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water pollution.

If you have any questions about this final determination, please contact Webert Deslien of my staff at either 217/782-3362 or webert.deslien@illinois.gov

Sincerely,


Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control
Illinois Environmental Protection Agency

CC: Applicant
Consultant
FOS
BOW_File

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

LAURIE A. MORSE

Plaintiff,

v.

ILLINOIS DEPARTMENT OF
NATURAL RESOURCES, an Illinois
state agency, and WINNETKA PARK
DISTRICT, an Illinois park district

Defendants.

No. 2026-CH-00858

In review of
Permit Application
C20250015
Permit LM2025011

AMENDED COMPLAINT

EXHIBIT B

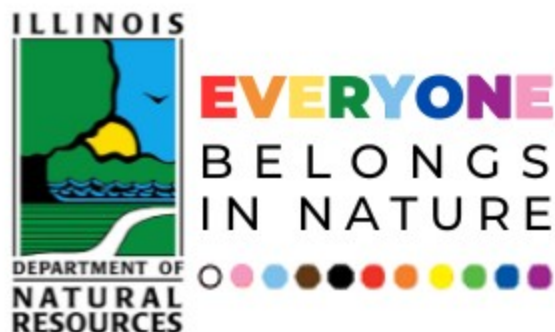
Subject: IDNR/OWR application-for-permit C20250015 by the Winnetka Park District for the construction of fencing, in Lake Michigan, at 225 Sheridan Road, Winnetka, IL 60093
From: "Otto, Eric L." <Eric.Otto@Illinois.gov>
Date: 12/24/2025, 2:28 PM
To: "Otto, Eric L." <Eric.Otto@Illinois.gov>

Dear Sir or Madam,

Attached is a letter informing you that a permit was issued for the subject application.

Eric L. Otto, PE, CPESC, CPSWQ
Senior Water Resources Engineer
Eric.Otto@Illinois.gov

[Illinois Department of Natural Resources](#)
[Office of Water Resources](#)
[Division of Water Resource Management](#)
Lake Michigan Programs Section
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601



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— Attachments: —

IDNR_PN-Objector_Permit-Issued_C20250015_Alt.pdf

130 KB



Illinois
Department of
**Natural
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director
One Natural Resources Way • Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle St., S-703, Chicago, IL 60601

December 24, 2025

RE: IDNR/OWR application-for-permit C20250015 by the Winnetka Park District for the construction of fencing, in Lake Michigan, at 225 Sheridan Road, Winnetka, IL 60093

Dear Sir or Madam,

When processing an application for permit, the Department reviews the application for its compliance with our Part 3704 Rules. The application was also reviewed using the Park District Code [70 ILCS 1205/11-2], which gives park districts bordering upon any navigable water, the title to the bed or submerged land of which is vested in the State of Illinois, and allows said districts the right to take possession of, enclose, fill in, reclaim and protect any portion of such submerged land bordering thereon, over which there shall be shoal and shallow water not fit for navigation. This review includes any comments received during the public notice period and the applicant's response to those comments. After reviewing all the submitted data the Department has determined that the proposed project complies with its Part 3704 Rules and has issued IDNR/OWR Permit LM2025011. We thank you for your comments and your concerns during the permitting process. Your request for a public hearing is respectfully declined.

If you have any questions, please contact me at eric.otto@illinois.gov.

Sincerely,

Eric L. Otto, PE, CPESC, CPSWQ
Senior Water Resources Engineer
Lake Michigan Programs

FILED DATE: 7/7/2026 1:37 PM 202607000858

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that on July 6, 2026, a copy of the foregoing Amended Complaint, with accompanying exhibits, has been or will be served through the Court's efilng system and by electronic mail upon the following parties in the above-captioned matter:

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