

The US Army Corp of Engineers Regulatory Program

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USACE Chicago District - Regulatory Branch

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Authorities – Section 10

- Section 10 Rivers and Harbors Act of 1899
 - ▶ Regulates activities in, over, or under a navigable waterway that have the potential to affect the course, condition, capacity or location of navigation



Jurisdiction Section 10 of the Rivers and Harbors Act

Regulated Activities:

- ▶ All work or structures in, over, or under navigable waters affecting navigation.
- ▶ Examples include marinas, docks, ramps, navigational aids, aerial transmission lines, dredging, shore protection devices, piers, dolphins, conveyors, cranes, pipelines, etc.
- ▶ Exceptions dams and bridges (Section 9) - U.S. Coast Guard has permit authority



Authorities – Section 404 Federal Water Pollution Control Act 1972 “Clean Water Act”

- ▶ The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.
- ▶ Section 404 established a permit program to be administered by the U.S. Army Corps of Engineers.



Federal Water Pollution Control Act “Clean Water Act”

- ▶ Regulates discharge of dredged or fill material into waters of the United States
- ▶ Rock, concrete, soil (return from excavation, grading activities, erosion control measures)
- ▶ Exception: incidental fallback of excavated material



Permit Programs Reauthorized in 2012

- Nationwide Permit Program
 - ▶ administered nationally
 - ▶ reauthorized every 5 years
- Regional Permit Program
 - ▶ administered in the Chicago District in the state of Illinois only
 - ▶ reauthorized every 5 years, modified at the discretion of the District



Nationwide vs. Regional permit

Regional Permit Programs

- Protect aquatic resources better than NWP's
- Provides straightforward requirements and conditions
- Reduces ambiguity and inconsistency & streamlines existing District workload and review time
- Covers almost all activities presently evaluated under NWP's

* Illinois and Indiana retain and revoke different Nationwide permits because their Regional permit programs are different from one another.



Nationwide Permit Program - Illinois



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Nationwide Permit Program

- 52 total Nationwide Permits developed nationally as of March 2012
- 2 new Nationwide Permits instituted in 2012 reauthorization



NWP - Chicago District Level

- NWPs revoked from use in 2007 continued to be suspended during the 2012 reauthorization
- Activities previously covered by revoked NWPs now fall under Regional Permit Program
- Both NWP51 and NWP52 were retained with Regional Conditions on NWP52
- 27 current Nationwide Permits have been retained by the District



NWP - Chicago District Level Revoked

NATIONWIDE PERMITS REVOKED IN THE CHICAGO DISTRICT - ILLINOIS

- | | |
|---------------------------------------|--|
| 1. Aids to Navigation | 25. Structural Discharges |
| 3. Maintenance | 26. Reserved |
| 7. Outfall Structures and Maintenance | 27. Stream and Wetland Restoration Activities |
| 10. Mooring Devices | 29. Single Family Housing |
| 11. Temporary Recreational Structures | 31. Maintenance of Existing Flood Control Projects |
| 12. Utility Line Activities | 32. Completed Enforcement Actions |
| 13. Bank Stabilization | 33. Temporary Construction Access and Dewatering |
| 14. Linear Transportation Projects | 36. Boat Ramps |
| 18. Minor Discharges | 38. Cleanup of Hazardous and Toxic Waste |
| 19. Minor Dredging | 39. Residential, Commercial and Institutional Developments |
| 20. Oil Spill Cleanup | 41. Reshaping Existing Drainage Ditches |
| 22. Removal of Vessels | 42. Recreational Facilities |

- 24 NWPs revoked in the Chicago District – Illinois
- Revoked NWPs are covered by the 13 Regional Permits in the Chicago District



NWP - Chicago District Level Retained

B. NATIONWIDE PERMITS RETAINED BY THE CHICAGO DISTRICT - ILLINOIS

- 2. Structures in Artificial Canals
- 4. Fish and Wildlife Harvesting Activities
- 5. Scientific Measurement Devices
- 6. Survey Activities
- 8. Oil and Gas Structure
- 9. Structures in Fleeting/Anchorage Areas
- 15. U.S. Coast Guard Approved Bridges
- 16. Return Water from UCD Areas
- 17. Hydropower Projects
- 21. Surface Coal Mining Activities
- 23. Approved Categorical Exclusions
- 28. Modifications to Existing Marinas
- 30. Moist Soil Management for Wildlife
- 34. Cranberry Production Activities
- 35. Maintenance Dredging of Existing Basins
- 37. Emergency Watershed Protection
- 40. Agricultural Activities
- 43. Stormwater Management Facilities
- 44. Mining Activities
- 45. Repair of Uplands Damaged by Discrete Events
- 46. Discharges in Ditches
- 47. Pipeline Safety Program
- 48. Shellfish Aquaculture Activities
- 49. Coal Re-mining Activities
- 50. Underground Coal Mining Activities

NEW NATIONWIDE PERMITS TO BE RETAINED BY THE CHICAGO DISTRICT - ILLINOIS

- 51. Land-Based Renewable Energy Generation Facilities
- 52. Water-Based Renewable Energy Generation Pilot Projects



Regional Permit Program - Illinois



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Chicago District Regional Permit Program

- Covers most common activities in:
 - ▶ Cook
 - ▶ DuPage
 - ▶ Kane
 - ▶ Lake
 - ▶ McHenry
 - ▶ Will
- Most recent authorization became effective April 1, 2012



Regional Permit Program Overview

- Covers activities under Section 10 of RHA and Section 404 of the CWA
- Regional Permits (RPs) are valid for five years; individual RP authorizations valid for three years
- Program can be modified, revoked or suspended at any time by Chicago District
- Includes 13 RPs



2012 Regional Permit Program

- **Authorization:**

- ▶ The 45-day timeframe for the Corps to respond to a complete application that meets the RPP has been changed to 60 days.
- ▶ Category II activities that require an Agency Request for Comments (ARC) have a 10 to 25 day agency review period as well.



2012 Changes to the Regional Permit Program

■ Regional Permits

- ▶ RP1 (Residential, Commercial and Institutional Developments)
- ▶ RP2 (Recreation Projects)
- ▶ RP3 (Transportation Projects)
- ▶ RP4 (Minor Discharges and Dredging)
- ▶ RP5 (Wetland and Stream Restoration and Enhancement)
- ▶ RP6 (Completed Enforcement Actions)



2012 Regional Permit Program

- Regional Permits

- ▶ RP7 (Temporary Construction Activities)
- ▶ RP8 (Utility Line Projects)
- ▶ RP9 (Maintenance)
- ▶ RP10 (Bank Stabilization)
- ▶ RP11 (Marine Structures and Activities)
- ▶ RP12 (Bridge Scour Protection)
- ▶ RP13 (Cleanup of Toxic and Hazardous Materials)



Additional Changes

- Coastal Zone Management (CZM)
 - ▶ Illinois now has a CZM Program – Illinois Coastal Management Program or ICMP.
 - ▶ This may require applicants who have projects along Lake Michigan to obtain certification from the ICMP
 - ▶ <http://www.dnr.illinois.gov/cmp/Pages/default.aspx>



Notification Required for a Proposed Activity



Permit Application

JOINT APPLICATION FORM FOR ILLINOIS			
ITEMS 1 AND 2 FOR AGENCY USE			
1. Application Number		2. Date Received	
3. and 4. (SEE SPECIAL INSTRUCTIONS) NAME, MAILING ADDRESS AND TELEPHONE NUMBERS			
3a. Applicant's Name		4. Authorized Agent (an agent is not required) (if needed or if different from applicant)	
Company Name (if any):		Company Name (if any):	
Address:		Address:	
Email Address:		Email Address:	
Applicant's Phone Nos. wireline code		Agent's Phone Nos. wireline code	
Business:		Business:	
Residence:		Residence:	
Cell:		Cell:	
Fax:		Fax:	
STATEMENT OF AUTHORIZATION			
I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
Applicant's Signature		Date	
5. ADJOINING PROPERTY OWNERS (Upstream and Downstream of the water body and within Visual Reach of Project)			
Name	Mailing Address	Phone No. wireline code	
a.			
b.			
c.			
d.			
6. PROJECT TITLE:			
7. PROJECT LOCATION:			
LATITUDE:	*N	UTMs	
LONGITUDE:	*W	Northing:	
STREET, ROAD, OR OTHER DESCRIPTIVE LOCATION		Easting:	
	LEGAL DESCRIPT	QUARTER	SECTION TOWNSHIP NO. RANGE
<input type="checkbox"/> IN OR <input type="checkbox"/> NEAR CITY OF TOWN (check appropriate box)		WATERWAY	
Municipality Name		RIVER MILE (if applicable)	
COUNTY	STATE	ZIP CODE	
Revised 2010 <input type="checkbox"/> Corps of Engineers <input type="checkbox"/> IL Dep't of Natural Resources <input type="checkbox"/> IL Environmental Protection Agency <input type="checkbox"/> Applicant's Copy			

8. PROJECT DESCRIPTION (include all features):					
9. PURPOSE AND NEED OF PROJECT:					
COMPLETE THE FOLLOWING FOUR BLOCKS IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED					
10. REASON(S) FOR DISCHARGE:					
11. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS FOR WATERWAYS: TYPE: AMOUNT IN CUBIC YARDS:					
12. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (see instructions)					
13. DESCRIPTION OF AVOIDANCE, MINIMIZATION AND COMPENSATION (See instructions)					
14. Date activity is proposed to commence _____ Date activity is expected to be completed _____					
15. Is any portion of the activity for which authorization is sought now complete? Yes <input type="checkbox"/> No <input type="checkbox"/> NOTE: If answer is "YES" give reasons in the Project Description and Remarks section. Indicate the existing work on drawings.					
16. List all approvals or certification and denials received from other Federal, interstate, state, or local agencies for structures, construction, discharges or other activities described in this application.					
Issuing Agency	Type of Approval	Identification No.	Date of Approval	Date of Approval	Date of Denial
17. CONSENT TO ENTER PROPERTY LISTED IN PART 7 ABOVE IS HEREBY GRANTED. Yes No					
18. APPLICATION VERIFICATION (SEE SPECIAL INSTRUCTIONS) Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.					
Signature of Applicant or Authorized Agent			Date		
Signature of Applicant or Authorized Agent			Date		
Signature of Applicant or Authorized Agent			Date		
<input type="checkbox"/> Corps of Engineers Revised 2010 <input type="checkbox"/> IL Dep't of Natural Resources <input type="checkbox"/> IL Environmental Protection Agency <input type="checkbox"/> Applicant's Copy					
SEE INSTRUCTIONS FOR ADDRESS					



Thank you!

QUESTIONS?

For additional information, visit our website
www.lrc.usace.army.mil/Missions/Regulatory.aspx

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