



REGIONAL PERMIT PROGRAM REVISION THREATENED AND ENDANGERED SPECIES REQUIREMENTS INFORMATION NOTICE

U.S. Army Corps of Engineers
Chicago District

Date: November 16, 2009

The U.S. Army Corps of Engineers, Chicago District, (District) hereby issues a change of procedures regarding General Condition Number 2 (Threatened and Endangered Species) and General Condition 21 (Notification) in the Regional Permit Program (RPP) for activities which would have minimal individual and cumulative impacts on aquatic resources in Cook, DuPage, Kane, Lake, McHenry, and Will Counties in Illinois. The purpose of the procedural change is a result of an internal change at the Chicago Field Office U.S. Fish and Wildlife Service. The following paragraphs have been replaced and now read:

2. Threatened and Endangered Species - If the District determines that the activity may affect Federally listed species or critical habitat, the District will initiate Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) in accordance with the Endangered Species Act (ESA). Applicants shall provide additional information that would enable the District to conclude that the proposed action is not likely to adversely affect a federally listed species.

The application packet shall indicate whether resources (species and habitats) listed or designated under the Endangered Species Act of 1973, as amended (Act), may be present within areas affected (directly or indirectly) by the proposed project. You shall provide a Section 7 species list for the project area using the on-line process at the U.S. Fish & Wildlife Service website. You can access "U.S. Fish and Wildlife Service Endangered Species Program of the Upper Midwest" website at <http://www.fws.gov/midwest/Endangered>. Click on the Section 7 Technical Assistance green shaded box in the lower right portion of the screen and follow the instructions to completion. Print all documentation pertaining to the species list and forward the information to this office for review.

If no species or habitats are listed, then a "no effect" determination can be made, and Section 7 consultation is not warranted. If species or habitats appear on the list, then a biological assessment or biological evaluation will need to be completed to determine if the proposed action is likely or not likely to adversely affect them. The Corps will request initiation of Section 7 consultation with the U.S. Fish and Wildlife Service upon agreement with the applicant on the effect determinations in the Biological assessment or biological evaluation. If the issues are not resolved, the analysis of the situation is complicated, or impacts to listed species are found to be greater than minimal, the District shall consider reviewing the project under the Individual Permit process.

21. Notification

For all activities Notification will include:

g. The application packet shall indicate whether resources (species and habitats) listed or designated under the Endangered Species Act of 1973, as amended (Act), may be present within areas affected (directly or indirectly) by the proposed project. You shall provide a Section 7 species list for the project area using the on-line process at the U.S. Fish & Wildlife Service website. You can access "U.S. Fish and Wildlife Service Endangered Species Program of the Upper Midwest" website at <http://www.fws.gov/midwest/Endangered>. Click on the Section 7 Technical Assistance green shaded box in the lower right portion of the screen and follow the instructions to completion. Print all documentation pertaining to the species list and forward the information to this office for review.

If no species or habitats are listed, then a “no effect” determination can be made, and Section 7 consultation is not warranted. If species or habitats appear on the list, then a biological assessment or biological evaluation will need to be completed to determine if the proposed action is likely or not likely to adversely affect them. The Corps will request initiation of Section 7 consultation with the U.S. Fish and Wildlife Service upon agreement with the applicant on the effect determinations in the Biological assessment or biological evaluation. If the issues are not resolved, the analysis of the situation is complicated, or impacts to listed species are found to be greater than minimal, the District shall consider reviewing the project under the Individual Permit process.

This change becomes effective immediately. Questions regarding the use of the USFWS web site should be directed to Ms. Cathy Pollack of the U.S. Fish and Wildlife at 847-381-2253, extension 20. If you have an existing paper copy of the RPP please recycle and replace with the revised version. If you have any questions for the District, please contact us at 312-846-5530.

FOR THE DISTRICT ENGINEER:

//ORIGINAL SIGNED//

Mitchell A. Isoe
Chief, Regulatory Branch

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted until January 1, 2010.