



US Army Corps of Engineers®  
Chicago District

**CHICAGO DISTRICT  
2017 REGIONAL PERMIT PROGRAM  
REVISED JANUARY 10, 2020**

**1. RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS**

RP1 authorizes the construction of residential, commercial and institutional developments and associated infrastructure, such as roads, utilities, detention areas, and recreation areas. Authorization under RP1 is subject to the General Conditions of the Regional Permit Program beginning on page 6 of this document. In addition, the following requirements must be addressed in writing and submitted with the notification:

- a. The impact to waters of the U.S. must not exceed 1.0 acre. For projects that impact over 0.10 acres of waters of the U.S., the permittee is required to provide compensatory mitigation.
- b. Projects that impact no more than 0.5 acres of waters of the U.S. will be processed under Category I.
- c. Projects that impact over 0.5 acres up to 1.0 acre of waters of the U.S. will be processed under Category II.
- d. The permittee must establish, enhance and/or preserve an upland buffer of native plants (or other appropriate vegetation approved by the District) adjacent to all created, restored, enhanced or preserved waters of the U.S., including wetlands. Created buffers should be established on 6:1 (horizontal: vertical) or gentler slopes. The following buffer widths are required:
  - 1) For any waters of the U.S. determined to be a high-quality aquatic resource, the buffer must be a minimum of 100 feet.
  - 2) For any waters of the U.S. that do not qualify as wetland (e.g. lakes, rivers, ponds, etc.), the buffer must be a minimum of 50 feet from the Ordinary High Water Mark (OHWM).
  - 3) For any jurisdictional wetland from 0.25 acres up to 0.50 acres in size, the buffer must be a minimum of 30 feet.
  - 4) For any jurisdictional wetland over 0.50 acres in size, the buffer must be a minimum of 50 feet.

The District may allow buffer widths below the above-required minimums on a case by case basis. However, it is the responsibility of the applicant to provide supporting documentation as to why the buffer requirement cannot be met.

Stormwater retention/detention facilities and nature trails may be located within the outer 50% of the buffer. The District may allow Best Management Practices, compensatory storage, small boat launches and piers/docks to be located in buffers.

- e. All remaining, created, restored or enhanced waters of the U.S. and adjacent buffers on the project site must be protected through a deed restriction or through a conservation easement. A draft deed restriction or conservation easement must be provided with notification. This requirement may be waived at the discretion of the District if there are long term protections already in place for the onsite natural resources.
- f. Lot lines may not occur in created, restored, enhanced or preserved waters of the U.S. or in adjacent buffer areas on the project site. The District may consider a request by the applicant to allow for lot lines within these areas provided there is a demonstrated conflict between the lot line restriction and local ordinance and/or State law. The District may accept physical measures such as the installation of split-rail fencing or other means of separating the protected area, posting of signs marking the limits of the protected areas, and establishing a party responsible for the long-term management of the protected areas in lieu of recording such areas as separate outlot property deeds.
- g. The project must incorporate permanent, post-construction Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts of the project on aquatic resources. BMPs must be considered at the earliest planning stages of the project. Please note that temporary soil erosion and sediment control (SESC) measures are not considered permanent BMPs.

To the greatest extent practicable, the activity should be designed such that stormwater does not directly discharge into waters of the U.S. For each location where stormwater discharges towards a jurisdictional wetland or stream, provide a written narrative discussing opportunities to implement permanent BMPs. The types of BMPs proposed should be based on the scope of work, the change in impervious surface runoff discharging to the waters of the U.S., and the overall direct impacts to waters of the U.S. resulting from the proposed work.

Possible BMPs include, but are not limited to:

- 1) Maximize infiltration of pervious surface runoff by preserving (i.e. not developing) existing permeable areas on site through the use of filter strips, bioswales, infiltration trenches, permeable pavement and native vegetated open spaces.
- 2) Direct roof runoff towards permeable surfaces, French drains, vegetated swales, or other BMPs instead of driveways or other non-permeable surfaces.
- 3) Improve water quality of stormwater leaving the site through the use of a naturalized detention/retention basin designed to maximize the removal and transformation of runoff pollutants. The design should include:
  - a) emergent vegetation in the bottoms of the wetland basins and along the periphery of wet bottom basins, and side slopes vegetated in native prairie (traditional dry bottom basins are not approved BMPs);
  - b) stilling basins at inlets; and
  - c) design the basin to maximize the distance between inlet(s) and outlet(s).

Projects that impact no more than 0.5 acres and do not impact HQARS will require a native vegetated basin. Approved alternatives may be allowed where construction of a basin is not

practicable due to site constraints. All other projects will require selection of BMPs from numbers 1 and 2 above prior to discharge to a basin. The appropriate BMPs will be determined during permit review.

A management and monitoring plan will be required on a case-by-case basis and will include performance standards such as the BMPs ability to function as designed, percent coverage of vegetation, stabilization of soils, and corrective measures to bring areas into compliance. For additional information, please refer to our BMP Maintenance & Monitoring (M&M) Guidelines: [www.lrc.usace.army.mil/Portals/36/docs/regulatory/pdf/BMPMMG.pdf](http://www.lrc.usace.army.mil/Portals/36/docs/regulatory/pdf/BMPMMG.pdf)

- h. Stormwater management facilities may not be constructed in a linear body of water such as a river, or perennial, intermittent or ephemeral stream or creek, unless there is substantial evidence that the project will provide a benefit to the aquatic system. Potential benefits could include water quality improvements at headwaters of the watershed or promotion of wildlife habitat, feeding, and breeding areas.
- i. Fill in waters of the U.S. for the construction of septic systems and septic system buffer areas is not permissible.
- j. This permit does not authorize the underground piping of a linear waterbody, with the exception of culverted transportation crossings.
- k. For a project site adjacent to a conservation area, the permittee must request correspondence from the organization responsible for management of the area. The correspondence must identify recommended measures to protect the area from impacts that may occur as a result of the development. A copy of the request and any response received from the organization must be submitted to the District with the notification.
- l. The project must be a single and complete project. For example, if construction of a residential development involves phasing, the sum of all impacted areas would be the basis for deciding whether or not the project will be covered under the Regional Permit Program.
- m. Items d through l of Regional Permit 3 (Transportation Projects) must be addressed in writing and submitted with the notification.
- n. All temporary construction activities must adhere to the requirements of items c through g of Regional Permit 7 (Temporary Construction Activities) and must be addressed in writing and submitted with the notification.
- o. Items d through s of Regional Permit 8 (Utility Line Projects) must be addressed in writing and submitted with the notification. Utility line projects are subject to individual water quality certification under Section 401 of the Clean Water Act for certain water bodies as listed under RP8 item d.