

USACE Chicago District Permit Program Transition Q&As

The Regional Permit Program (RPP) expires on April 1, 2022. The following list of Q&As is intended to provide clarification regarding upcoming changes to the program and the adoption of the remaining Nationwide Permits (NWP) that were not renewed in 2021.

Q1. When will permit verifications issued under the RPP expire?

A1. A verification issued prior to the expiration of the RPP remains valid for a period of 3 years from the date annotated on the verification letter.

Q2. When will the next round of NWP go into effect?

A2. On December 27, 2021, the U.S. Army Corps of Engineers (Corps) published a final rule in the Federal Register (86 FR 73522) announcing the reissuance of 40 existing NWP and one new NWP (59). The 41 NWP will go into effect on February 25, 2022 and will expire on March 14, 2026 to coincide with the expiration of the NWP that went into effect in 2021. Please see our public notice page for additional details:

<https://www.lrc.usace.army.mil/Missions/Regulatory/Public-Notices/>

Q3. Will there be a cutoff date for processing RP requests?

A3. Between February 25, 2022 (NWP issuance) and April 1, 2022 (RPP expiration), either the RPP or the NWP can be utilized to authorize activities. If we are unable to complete the RP review process prior to the April 1, 2022 expiration, the request will be completed under the applicable NWP.

Most activities that currently qualify for an existing RP will be covered under an applicable general permit (GP), either through the NWP Program, the Lake Michigan Regional General Permit (Lake Michigan RGP), or the upcoming Shoreline RGP.

Information regarding the NWP Program can be found here:

Illinois: <https://www.lrc.usace.army.mil/Missions/Regulatory/Illinois/IL-Nationwide-Permits/>

Indiana: <https://www.lrc.usace.army.mil/Missions/Regulatory/Indiana/Nationwide-Permits/>

Q4. When will the Shoreline RGP be implemented and what will it cover?

A4. The Shoreline RGP is scheduled to go into effect by April 1, 2022. The Shoreline RGP is expected to cover the following activities:

1. Installation, repair, and modification of permanent and seasonal piers/docks, boat hoists, and lifts;
2. Maintenance dredging for navigational access to existing facilities; and
3. Expansion and construction of commercial maritime facilities and associated dredging.

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A draft copy of the Shoreline RGP can be found on our public notice website:

<https://www.lrc.usace.army.mil/Missions/Regulatory/Public-Notices/>

Q5. Will the Lake Michigan RGP remain in place?

A5. Yes. The Lake Michigan RGP will continue to be utilized for activities within Lake Michigan in Lake and Cook Counties in Illinois. There are no changes proposed to the Lake Michigan RGP. For activities that qualify for both the Lake Michigan RGP and the NWP Program, the Lake Michigan RGP will typically be utilized.

Q6. What NWP and RGP changes are proposed in Indiana?

A6. A list of active NWPs for Indiana is available on our website and will be updated after the new NWPs go into effect on February 25, 2022 :

<https://www.lrc.usace.army.mil/Missions/Regulatory/Indiana/Nationwide-Permits/>

Indiana also has a Regional General Permit which is also available on our website:

<https://www.lrc.usace.army.mil/Missions/Regulatory/Indiana/Indiana-Regional-General-Permit/>

Q7. When will the Section 404 LOP Procedures be implemented? What will they cover?

A7. The Chicago District is also developing 'Letter of Permission Procedures' (LOP Procedures) to cover specific Section 404 activities that were formerly covered under the RPP but will not be covered under any of the existing or proposed GPs (NWP Program, Shoreline RGP, Lake Michigan RGP). Implementation of the LOP Procedures is anticipated during the summer of 2022.

The LOP Procedures are intended to cover those activities that involve the discharge of fill in waters of the U.S. regulated under Section 404 of the Clean Water Act. The intent of the procedures is to cover activities with more than 0.5 acres of fill and under 1 acre of fill that would otherwise be covered under NWPs 29, 39, or 42. The LOP Procedures are suitable for those activities with an overall minor impact on aquatic resources and the environment. An agency review is required under the procedures. Activities that do not qualify under a GP or under the LOP Procedures will be processed as an Individual Permit.

Q8. Will the RPP be retained in a limited capacity for RP1 & 2 activities with more than 0.5 acre of fill?

A8. No, the RPP will expire in its entirety. The LOP Procedures are intended to cover these activities. The Shoreline RGP is also intended to cover piers as well as other minor activities in Illinois.