



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60604-1437

June 27, 2025

Regulatory Branch
LRC-2021-00012

SUBJECT: Request for Federal Consistency Determination for the Shoreline Activities
Regional General Permit (SARGP) in Lake, McHenry, Cook, DuPage, Kane, Kendall, Grundy,
Kankakee, Iroquois, and Will Counties in Illinois

Eric Otto
Illinois Coastal Management Program
Illinois Department of Natural Resources
160 North LaSalle Street, Suite 703
Chicago, Illinois 60601

Dear Mr. Otto:

The U.S. Army Corps of Engineers, Chicago District, (District) is proposing to reissue the SARGP for activities which would have minimal individual and cumulative impacts on aquatic resources. The SARGP would cover piers, minor dredging, and other activities in waters of the United States within the State of Illinois in Lake, McHenry, Cook, DuPage, Kane, Kendall, Grundy, Kankakee, Iroquois, and Will Counties in Illinois.

The purpose of the SARGP is to provide a simplified and expeditious means for review of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act that meet the specified terms and conditions of the permit.

The SARGP is scheduled to be issued on October 1, 2025, and will expire September 30, 2030. The District is requesting concurrence from the Illinois Coastal Management Program with the District's determination that the proposed activity complies with Illinois' approved coastal management program and will be conducted in a manner consistent with such policies.

If you have any questions, please contact Mr. Aaron Spencer, Project Manager, by telephone at [REDACTED] or email at [REDACTED].

Sincerely,

Soren G. Hall

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G. Hall
Date: 2025.06.27 12:27:30
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Soren Hall
Team Leader, Regulatory Branch

Enclosure



US Army Corps
of Engineers®

PUBLIC NOTICE

Published: May 30, 2025

Expires: June 30, 2025

Chicago District
LRC-2021-00012

TO WHOM IT MAY CONCERN: The Chicago District of the U.S. Army Corps of Engineers (Corps) is proposing to reissue the Shoreline Activities Regional General Permit (SARGP) pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the proposed RGP re-issuance described below:

The proposed SARGP is included as Appendix A of this public notice, found at the bottom of the document.

WATERWAY AND LOCATION: Activities authorized under the RGP would affect navigable waters of the United States associated with Navigable Waters of the United States in Lake, McHenry, Cook, DuPage, Kendall, Grundy, Kankakee, Iroquois, and Will Counties, Illinois.

PURPOSE: The purpose of the SARGP is to provide a simplified and expeditious means for review of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act that meet the specified terms and conditions of the permit.

PROPOSED WORK: The U.S. Army Corps of Engineers, Chicago District, (District) is proposing to re-issue the Shoreline Activities Regional General Permit (SARGP) for activities located within with Navigable Waters of the United States in Lake, McHenry, Cook, DuPage, Kendall, Grundy, Kankakee, Iroquois, and Will Counties, Illinois which would have minimal individual and cumulative impacts on aquatic resources.

CULTURAL RESOURCES: The District is proposing the re-issuance of the SARGP for activities located within Navigable Waters of the United States in Lake, McHenry, Cook, DuPage, Kendall, Grundy, Kankakee, Iroquois, and Will Counties, Illinois which would have minimal individual and cumulative impacts on aquatic resources.

In cases where this office determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity may require an Individual Permit. A determination of whether the activity may be authorized under the RGP instead of an Individual Permit will not be made until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

When reviewing permit submittals, this office will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. Based on the information submitted and these efforts, this office will determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified this office, the non-Federal applicant must not begin the activity until notified by this office either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

This office must take into account the effects on such properties in accordance with 33 CFR Part 325, Appendix C, and 36 CFR 800. If all issues pertaining to historic properties have been resolved through the consultation process to the satisfaction of this office, Illinois State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation, this office may, at its discretion, authorize the activity under the RGP.

ENDANGERED SPECIES: Regulated activities which are likely to directly or indirectly jeopardize the continued existence of a federally threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species are ineligible under the RGP. No regulated activity is authorized which "may affect" a listed species or critical habitat unless ESA Section 7 consultation addressing the effects of the proposed activity has been completed.

WATER QUALITY CERTIFICATION: The Illinois Environmental Protection Agency (IEPA) will be reviewing the proposed Regional General Permit developed by the Corps for water quality certification, or waiver thereof, for the proposed activities in accordance with Section 401 of the Clean Water Act. Certification or waiver would indicate that the IEPA believes the activities will not violate applicable water quality standards. The review by the IEPA will be conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity.

The "Fact Sheet" containing the antidegradation assessment for this proposal may be found on the IEPA's web site, at www.epa.state.il.us/public-notices/.

In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments concerning possible impacts to water quality should be addressed to the following agency, along with a copy of the comments provided to the Corps of Engineers:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have any questions about water quality certification, please contact Mr. Darin LeCrone at IEPA Division of Water Pollution Control, Permit Section #15, by telephone at [REDACTED].

EVALUATION: The decision whether to reissue the RGP will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impacts of the activities on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. The RGP will be re-issued unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of these proposed activities. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny the RGP. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

The Chicago District will receive written comments on the proposed work, as outlined above, until June 30, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Aaron Spencer at [REDACTED]. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Chicago District, Attention: Aaron Spencer, 231 S. LaSalle Street Suite 1500 Chicago, IL 60604.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60604-1437

**DEPARTMENT OF THE ARMY PERMIT
SHORELINE ACTIVITIES REGIONAL GENERAL PERMIT (SARGP)**

PERMITTEE: The General Public in Lake, McHenry, Cook, DuPage, Kane, Kendall, Grundy, Kankakee, Iroquois, and Will Counties, Illinois

ISSUING OFFICE: Chicago District, U.S. Army Corps of Engineers

EFFECTIVE DATE: October 1, 2025

EXPIRATION DATE: September 30, 2030

AUTHORITIES: The general public is hereby authorized to undertake the activity described below pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or for discharges of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.), provided the activity-specific and general conditions are fully met.

AUTHORIZED ACTIVITY: The following activities are covered under this permit:

1. Installation, repair, modification, and removal of permanent and seasonal piers/docks, and other floating or pile-supported, water-based structures;
2. Maintenance dredging for navigational access to existing facilities; and
3. Expansion and construction of commercial maritime facilities and associated dredging.

Certain limitations exist for multi-user facilities including, but not limited to, marinas, yacht clubs, motels, hotels, country clubs, town home developments, homeowners associations, condominiums, apartments, common lots, and restaurants, taverns, or parks with overnight mooring (see Appendix 3).

LOCATION OF THE AUTHORIZED ACTIVITY: Within waters of the United States and navigable waters of the United States (i.e., Section 10 waters) within the State of Illinois subject to regulation by the U.S. Army Corps of Engineers, Chicago District. For a list of Section 10 waters, please refer to Appendix 1.

NOTIFICATION: The permittee must submit a pre-construction notification (PCN) to the district engineer prior to commencing the activity. (Authorities: Sections 10 and 404). PCN requirements are described in General Condition 2 beginning on page 4 of this document.

DEFINITIONS: Terms used in this permit are defined on page 13 of this document.

ACTIVITY-SPECIFIC GENERAL CONDITIONS:

1. Installation, repair, modification, and removal of permanent and seasonal piers/docks, boat hoists, and other floating or pile-supported, water-based structures:
 - a. All piers/docks permitted under this permit must be constructed in accordance with the following conditions and limitations:
 - i. The pier/dock must not project more than 50 feet into a waterway (up to 100 feet if located in a shallow water area of the Fox River-Chain O'Lakes system). The pier/dock must be the minimum length necessary to reach suitable water depth. The pier/dock length must not be greater than one quarter of the width of the waterway and must not extend beyond the navigation limits established by the Illinois Department of Natural Resources, Office of Water Resources and/or the Chicago District;
 - ii. For piers/docks on the Fox River/Chain-O-Lakes that are defined as multi-user facilities under the Pier Policy, refer to Appendix 3 for a definition of multi-user facility and additional restrictions for these structures;
 - iii. The width of the pier/dock must not be greater than 10 feet;
 - iv. For L-shaped or T-shaped piers/docks, the length of that portion parallel to the shoreline must not exceed 50 percent of the landowner's shoreline frontage, nor 50 feet;
 - v. Piers/docks must be aligned so as not to cross the projection of property lines into the waterway or come within 10 feet of the projection of the property line. A variance in this distance may be granted where there are natural limiting features or limited shoreline available. Coordination and agreement to the variance with adjacent property owners is required. All variances must be approved by this office on a case-by-case basis. Note that a dispute over property ownership will not be a factor in the Corps public interest decision (see 33 CFR 320.4(g));
 - vi. Pier/dock posts must be marked with reflective devices; and
 - b. Boat hoists and other floating or pile-supported, water-based structures must not cross the projection of property lines into the waterway. Water-based structures refers to those used to secure jet skis or other watercraft.
 - c. Roof coverings for watercraft must have a minimum slope of 1:4 (vertical: horizontal). Walls are not permissible.

- d. All structures must be constructed of suitable materials for anticipated flow conditions and securely anchored to prevent detachment during times of high water, winds, or ice movement.
 - e. Boat mooring buoys and all floating pier/dock or water-based structures must be constructed of materials that are clean and free of pollutants and not become waterlogged or sink if punctured. Flotation units and devices must be composed of low-density, closed cell, rigid plastic foam. Foam bead flotation will not be allowed unless commercially encapsulated and designed specifically for flotation purposes. Reconditioned plastic drums and metal barrels are allowed if they are first cleaned and then filled with flotation foam. Barrel, drums or containers that previously contained pesticide, herbicide, or other hazardous substances are not allowed.
2. Maintenance dredging for navigational access to existing facilities:
- a. This activity only applies to one maintenance dredging event. Subsequent dredging would require a separate authorization.
 - b. For commercial and other multi-user facilities, dredging must be limited to those areas actively used and necessary to maintain existing capacity.
 - c. For non-commercial, single-user facilities, dredging of no more than 50 cubic yards below the plane of the OHWM for Section 10 waters.
 - d. All dredged material must be deposited and retained in an area that has no waters of the United States, with no return flow sent back to waters of the United States from the dewatering process, unless otherwise specifically approved by this office under separate authorization.
3. Expansion and construction of commercial maritime facilities and associated dredging:
- a. This activity applies to expansion or construction of fleeting, mooring, and loading/unloading facilities from commercial/government vessels only. Compensatory mitigation will be required for all waters/wetland losses that exceed 1/10-acre.
 - b. The area to be dredged adjacent to the commercial maritime facilities must be limited to the area necessary to load and unload the vessels and to access the facility. The dredging must result in no more than minimal impacts.
 - c. This activity is applicable within Section 10 waters with Federal navigation channels authorized by Congress.
 - d. This activity also includes the associated construction or maintenance of structures, buoys, floats, dolphins, and other devices placed within fleeting areas to facilitate moorage of vessels.

- e. All dredged material must be deposited and retained in an area that has no waters of the United States, with no return flow sent back to waters of the United States from the dewatering process, unless otherwise specifically approved by this office under separate authorization.

GENERAL CONDITIONS:

1. The permittee must notify this office by submitting a PCN as early as possible. This office shall determine if the PCN is complete within 30 calendar days of the date of receipt. If the PCN is determined to be incomplete, this office will notify the permittee within the 30 day period to request the additional information needed to make the PCN complete. As a general rule, this office will request additional information necessary to make the PCN complete only once. However, if the permittee does not provide all requested information, this office will notify the permittee that the PCN remains incomplete and the PCN review process will not commence until all requested information is received.
 - a. The permittee must not begin the activity until either:
 - i. they are notified in writing by this office that the activity may proceed under the SARGP with any special conditions imposed by this office; or
 - ii. 45 calendar days have passed from this office's receipt of the complete PCN and the permittee has not received written authorization from this office.
2. Pre-construction notification (PCN) requirements The following information must be submitted to this office to complete the PCN:
 - a. A completed application form (ENG Form 6082) may be completed and submitted online via the Regulatory Request System at <https://rrs.usace.army.mil/rrs>. Alternatively, the application form is available at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Regulatory-Program-Forms/> If the permittee does not sign the application form, notification must include a signed, written statement from the permittee designating the agent as their representative;
 - b. A location map identifying the project site;
 - c. A detailed project description. Include the amount of fill in cubic yards and acres to be placed below the OHWM within waters of the United States;

- d. Determination of the OHWM consistent with Regulatory Guidance Letter (RGL) 05-05.
 - i. The determination must be made on-site through observation of the physical characteristics of the OHWM listed in RGL 05-05 section 3(b). The OHWM boundary must be flagged or otherwise indicated utilizing an adequate physical marker.
 - ii. Photographs of the physical characteristics used to determine the OHWM must be provided, as well as photographs of the flagged OHWM boundary.
 - iii. A description of the characteristics identified on site must be included in the PCN. The format of this description is flexible but can typically be provided through data sheets, site visit memoranda, or written narrative. Applicants are encouraged to utilize Corps approved Rapid OHWM Identification Data Sheets found at <https://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/486085/ordinary-high-water-mark-ohwm-research-development-and-training/>.
 - iv. Where the physical characteristics are inconclusive, misleading, unreliable, or otherwise not evident, applicants may determine the OHWM by using other appropriate means that consider the characteristics of the surrounding areas, provided those other means are reliable. Those other means may include, but are not limited to, lake and stream gage data, elevation data, and statistical evidence.
- e. A statement describing how the mitigation requirement will be satisfied or why compensatory mitigation should not be required;
- f. Project plans and any construction drawings depicting all proposed activities. The plans must include the following:
 - i. A plan view identifying the dimensions of all existing structures and prior fills, as well as dimensions of all proposed structures and fill;
 - ii. A cross-Sectional plan that identifies the ordinary high water mark (OHWM) and/or wetland boundary elevation as it relates to the proposed activity(ies) and/or structures; and
 - iii. The OHWM and/or wetland boundary clearly depicted on the plans.
- g. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes, ponds, and streams on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. This office reserves the right to exercise judgment when reviewing submitted wetland delineations. If a wetland delineation is conducted outside of the growing season this office will determine on a case-by-case basis whether sufficient evidence is available to make an accurate determination. If this office determines the

delineation lacks sufficient evidence, the application will not be considered complete until the information is provided. This may involve re-delineating the project site during the growing season.

- h. For maintenance and/or modification of an existing structure in Section 10 waters, provide the date the structure was originally constructed and a copy of the Department of the Army permit for the structure, if issued and available.
- i. No activity is authorized under the SARGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under the SARGP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

Federal agencies should follow their own procedures for complying with the requirements of the ESA. The Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps'

determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

3. Verifications issued for activities covered under this permit are valid until the expiration date of the SARGP (September 30, 2030). Activities which have commenced (i.e, are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided the regulated portion(s) of the activity is completed within twelve months of the date of the SARGP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7.
4. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party.
5. In the event the property associated with the activities authorized by this permit is sold or transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the liabilities associated with compliance with its terms and conditions, the transferee must sign and date the last page of their authorization and forward a copy of the original authorization, along with the newly signed transferee signature page, to this office.
6. The activity must be a single and complete project. The SARGP cannot be used more than once for the same single and complete project.
7. No activity is authorized under the SARGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under the SARGP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation.

Federal agencies should follow their own procedures for complying with the requirements of the ESA. The Federal permittee must provide the district engineer with

the appropriate documentation of ESA compliance. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

Non-federal permittees must identify in the pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

8. Water quality certification (WQC) under Section 401 of the Clean Water Act (Section 401) may be required from the Illinois Environmental Protection Agency (IEPA). This office may consider water quality, among other factors, in determining whether to exercise discretionary authority and require an Individual Permit. Section 401 WQC is a requirement for projects carried out in accordance with Section 404 of the Clean Water Act. However, projects carried out solely in accordance with Section 10 of the Rivers and Harbors Act of 1899 may not require a Section 401 WQC. The IEPA granted Section 401 certification on **(**PENDING APPROVAL**)**, with conditions, for the SARGP. A copy of the Section 401 WQC is enclosed in Appendix 2. Conditions of the certification are hereby made conditions of this permit.
9. On **(**PENDING APPROVAL**)**, the Illinois Department of Natural Resources Coastal Management Program (ICMP) granted the Federal Consistent Determination for the SARGP. This determination is confirmation that the activities covered under this permit

are consistent with the policies of the ICMP. PDF maps of the ICMP's Zone Boundaries can be found at the bottom of the page at:

www.dnr.illinois.gov/cmp/Pages/boundaries.aspx. Instructions on requesting an ICMP

Federal Consistency Determination can be found at:

www.dnr.illinois.gov/cmp/Documents/ICMPFederalConsistencyReviewProcedures.pdf.

10. No activity is authorized under an SARGP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

When reviewing permit submittals, this office will comply with the current procedures for addressing the requirements of Section 106 of the NHPA. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted and these efforts, this office will determine whether the proposed activity has the potential to cause an effect on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)) Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: No historic properties affected, no adverse effect, or adverse effect.

Where the non-Federal applicant has identified historic properties to which the activity may have the potential to cause effects and so notified this office, the non-Federal applicant must not begin the activity until notified by this office either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

This office must take into account the effects on such properties in accordance with 33 CFR Part 325, Appendix C, and 36 CFR 800. If all issues pertaining to historic properties have been resolved through the consultation process to the satisfaction of this office, Illinois SHPO, and the Advisory Council on Historic Preservation, this office may, at its discretion, authorize the activity under the SARGP.

Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the Illinois State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer, as appropriate, and the NRHP (see 33 CFR 330.4(g)).

Applicants are encouraged to obtain information on historic properties from the SHPO and the NRHP at the earliest stages of project planning. For information, contact:

Illinois State Historic Preservation Office
Illinois Department of Natural Resources
Attn: Review & Compliance
Old State Capital
1 Natural Resources Way
Springfield, IL 62701
(217) 782-4836
<https://www2.illinois.gov/dnrhistoric/Pages/default.aspx>

Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

If you discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity, you must immediately notify this office of what was found, and to the maximum extent practicable, stop activities that would adversely affect those remains and artifacts until the required coordination has been completed. This office will initiate the Federal, Tribal, and State coordination required to determine if the items or remains warrant a recovery effort, or if the site is eligible for listing in the NRHP.

11. Regulated activities or their operation may not impair reserved Tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. The area covered by this permit is within the aboriginal homelands of several American Indian Tribes. If any human remains, Native American cultural items, or archaeological evidence are discovered during any phase of this project, interested Tribes request immediate consultation with the entity of jurisdiction for the location of discovery. In such case, please contact this office immediately upon discovery.
12. Regulated activities may not cause more than a minimal adverse effect on navigation. Safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities within Section 10 waters. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other

alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work will cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim will be made against the United States on account of any such removal or alteration.

13. Discharges of dredged or fill material may not occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.
14. All activities must minimize disruption to the life cycle movements of those species of aquatic life indigenous to the waterbody to the greatest extent possible, including those species that normally migrate through the area.
15. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
16. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
17. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
18. The activity must comply with applicable Federal Emergency Management Agency (FEMA)-approved State or local floodplain management requirements.
19. Heavy equipment working in wetlands or mudflats must be placed on construction matting or utilize other suitable measures to minimize soil disturbance to the maximum extent practicable.
20. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being accomplished in accordance with the permit terms and conditions.
21. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the OHWM or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
22. Temporary structures must be removed, to the maximum extent practicable, once their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be

revegetated, as appropriate.

23. Any authorized structure or fill must be properly maintained, including maintenance to ensure public safety and compliance with applicable general conditions and activity-specific conditions.
24. You are responsible for all work authorized herein and for ensuring that all contractors are aware of the terms and conditions of this authorization.
25. A copy of this authorization must be present at the project site during all phases of construction.
26. You must notify this office of any proposed modifications to the project, including revisions to any of the plans or documents cited in this authorization. You must receive approval from this office before work affected by the proposed modification is performed.
27. Each permittee that receives an SARGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the SARGP verification letter. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later
28. An activity must undergo a review by, or receive written permission from, the Corps pursuant to 33 U.S.C. 408 if the work will alter, temporarily or permanently occupy, or utilize a Corps Federally authorized Civil Works project. The prospective permittee must submit a PCN (see general conditions, paragraph 1(x)) to commence the review process. An activity that requires Section 408 permission is not authorized by this permit until the appropriate Corps office issues the Section 408 permission (or completes a review and determines that a Section 408 permission is not required) and this office issues a written SARGP verification.

STATEMENT ON MITIGATION: In accordance with the Federal Mitigation Rule (33 CFR part 332), the Section 404(b)(1) guidelines (40 CFR part 230), and current Corps policies and guidelines for compensatory mitigation, regulated activities must be designed and constructed to avoid and minimize (mitigate) adverse effects, both temporary and permanent, to WOUS to the maximum extent practicable at the project site. Mitigation includes actions which may avoid, minimize, rectify, reduce, or compensate for adverse environmental effects or activities which may otherwise be contrary to the public interest. Regulated activities which the Corps believes do not mitigate adverse environmental effects or are contrary to the public interest are ineligible for authorization by the SARGP and will be evaluated by the Corps using individual permit procedures.

After all practicable steps to avoid and minimize adverse effects to WOUS have been considered, the Corps may require compensatory mitigation to ensure that the regulated activity results in no more than minimal adverse environmental effects or will not be contrary to the public interest. In reviewing the complete notification for the proposed activity, the Corps will determine whether the activity authorized by the SARGP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest.

The Corps will issue the verification for that activity if it meets the terms and conditions of the SARGP, unless the Corps determines, after considering compensatory mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest. When this occurs, the Corps will exercise discretionary authority to require an individual permit evaluation for the proposed regulated activity.

The notification request must include a statement describing how compensatory mitigation requirements will be satisfied, or an explanation why compensatory mitigation should not be required for proposed losses to WOUS. Project proponents may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the project proponent must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of the current Corps policies, guidelines, and 33 CFR 332 (the Mitigation Rule).

DEFINITIONS: The term "you" and its derivatives, as used in this permit, refer to the permittee or any future transferee. The term "this office" refers to the U.S. Army Corps of Engineers Chicago District Regulatory office having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. The term "Corps" refers to the U.S. Army Corps of Engineers. The term "activity", as used in this permit, includes all structures, work, and fills authorized under this permit.

Definitions found at 33 CFR Parts 320-332 and 40 CFR Part 230 are applicable to the SARGP and are incorporated by reference herein.

1. *Associated water-based structures* include, but are not limited to walkways, fixed decks, boat hoists and jet-ski floats. The construction of any structure in or over any navigable water of the United States, the excavating from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters is unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army (33 CFR 320.2 (b)).
2. *Authorization* is written verification by this office that an activity qualifies for, and may proceed under, the SARGP provided the terms and conditions of the program are followed. Verification under the SARGP is valid for a period of three (3) years from the date of verification unless otherwise specified in the verification.

3. *Dredged material* is material that is excavated or dredged from waters of the United States.
4. *Discharge of dredged material* is any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. A complete definition can be found at 33 CFR 323.2(d).
5. *Fill material* is material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land; or changing the bottom elevation of any portion of a body of water of the United States. A complete definition can be found at 33 CFR 323.2(e).
6. *Individual permit* means a Department of the Army authorization that is issued following a case-by-case evaluation of a specific project involving the proposed discharge(s) in accordance with the procedures of this part and [33 CFR part 325](#) and a determination that the proposed discharge is in the public interest pursuant to [33 CFR part 320](#).
7. *Multi-user Facilities* include, but are not limited to, marinas, yacht clubs, motels, hotels, country clubs, town home developments, homeowners associations, condominiums, apartments, common lots, and restaurants, taverns, or parks with overnight mooring (Fox River-Chain O'Lakes Boat Pier and Boat Ramp Application Review Policy, May 12, 2000).
8. *Ordinary high water mark (OHWM)* is that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas (33 CFR 328.3(e), 33CFR 329.11(a)(1), and RGL 05-05).
9. *Permittee* is the individual, organization or company authorized to complete an activity under the SARGP.
10. *Pre-construction notification (PCN)* is a request submitted by the project proponent to this office for confirmation that a particular activity is authorized by the SARGP. The request may be a permit application, letter, or similar document that includes information about the proposed activity and its anticipated environmental effects. PCN notification is required.
11. *Structure* includes, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other obstacle or obstruction.
12. *Waters of the United States (WOUS)* is an all-encompassing term referring to lakes,

ivers, streams, wetlands, and other aquatic resources that are regulated by the Corps under Section 404 of the Clean Water Act. A complete definition can be found at 33 CFR 328.3.

13. *Navigable waters of the United States* is defined at 33 CFR 329 for resources regulated under Section 10 of the Rivers and Harbors Act of 1899.
14. *Work* includes, without limitation, any dredging or disposal of dredged material, excavation, filling, or other modification of a navigable water of the United States.

FURTHER INFORMATION:

1. Limits of this Authorization:
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law;
 - b. This permit does not grant any property rights or exclusive privileges;
 - c. This permit does not authorize any injury to the property or rights of others; and
 - d. This permit does not authorize interference with any existing or proposed Federal project.
2. Limits of Federal Liability. The Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on the behalf of the United States in the public interest;
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
 - d. Design or construction deficiencies associated with the permitted work; and
 - e. Damage claims associated with any future modifications, suspension, or revocation of this permit.
3. The District Commander reserves the right to include additional special conditions to activities authorized under this permit or require the project to be reviewed under an individual permit as necessary to safeguard the public interest and/or to protect important

public resources.

4. Reliance on Permittee's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in the reliance on the information you provided.
5. Reevaluation of Permit Decision. The office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit;
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above); and
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

Approved by:

Kenneth P. Rockwell
Colonel, U.S. Army
District Commander

Date

Appendix 1

NAVIGABLE WATERS OF THE UNITED STATES within the Chicago District regulated under Section 10 of the Rivers and Harbors Act of 1899

This does not include all the waters regulated under Section 404 of the Clean Water Act

NAME OF WATERWAY	HEAD OF NAVIGATION
Calumet River, IL	Navigable throughout
Calumet-Sag Channel, IL	Navigable throughout
Chicago River, IL	
Main Branch	Navigable throughout
North Branch	Navigable throughout
North Branch Canal	Navigable throughout
North Shore Channel	Navigable throughout
South Branch	Navigable throughout
South Fork of South Branch*	Navigable throughout
Chicago Sanitary and Ship Canal, IL	Navigable throughout
Des Plaines River, IL	Hofmann Dam at Riverside, IL
Fox River, IL (includes the Chain O' Lakes area of Channel, Fox, Pistakee, Nippersink, Spring, Grass, Marie, Bluff, Catherine, and Petite Lakes)	Navigable throughout
Grand Calumet River, IL & IN	Navigable throughout, East to Marquette Park
Illinois and Michigan Canal, IL	Navigable throughout remaining portions
Indiana Harbor Canal, IN	
Main Stem	Navigable throughout
Calumet River Branch	Navigable throughout
Lake George Branch	From the Main Stem to White Oak Avenue in East Chicago
Iroquois River	confluence with Kankakee River to Illinois state border
Kankakee River, IL & IN	Navigable throughout
Lake Calumet, IL	Navigable throughout
Lake Michigan, IL & IN	Navigable throughout
Little Calumet River, IL & IN	Navigable throughout, East to I-94 as Kemper Ditch

Trail Creek, IN	E Street Bridge at Michigan City, 1 mile above mouth
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* West Fork of North Branch and Skokie River are not Navigable waters

Appendix 2

Approved Section 401 WQC to be attached here.

Appendix 3

Fox River-Chain O'Lakes Boat Pier and Boat Ramp Application Review Policy



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

REPLY TO
ATTENTION OF:
Executive Office

MAY 12 2000

Fox River-Chain O'Lakes Boat Pier and Boat Ramp
Application Review Policy

On June 21, 1994 the U.S. Army Corps of Engineers, Chicago District (District), issued a policy that outlined the District's procedures and requirements for obtaining permits for boat piers and boat ramps in the Fox River-Chain O'Lakes region. That region extends from the Fox River at the Wisconsin-Illinois state line to the Algonquin Dam on the Fox River, including the lakes and connecting channels that lie between those two points, all located within the State of Illinois. The District's policy resulted, in part, from an environmental impact study, which examined the environmental impacts of recreational boating in the Fox River-Chain O'Lakes region.

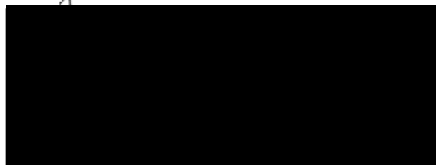
Since the District's implementation of that policy, the District has clarified certain language in the policy and made other changes in the regulatory permit program, including the development of the District's Regional Permit Program, which began January 1, 2000. In light of these changes, the District has decided to amend its 1994 policy, which is effective immediately upon signature.

The policy is directed at limiting the number of permanent piers and boat ramps at multi-user facilities to the number of already existing, currently serviceable piers and ramps at such facilities. The policy accomplishes this goal by requiring permit applicants to remove from the defined trading regions, one existing, currently serviceable pier or boat ramp for each pier or boat ramp for which a permit is sought.

Single family or single user piers were routinely reviewed in accordance with this policy and authorized under Regional Permit number 15 or under a Letter of Permission. The impact of new single family or single user piers are adequately evaluated under either the Regional Permit Program or other standard procedures, including letters of permission or individual permits, as the specific circumstance warrant. Single family or single user piers will no longer be covered by this policy. All boat ramps, regardless of ownership, require a trading offset as outlined above.

Since the creation of the 1994 policy, the District has not learned of any significant environmental concerns that differ from those included in the environmental impact statement. The District has therefore revised the policy, enclosed, to clarify the procedures that it will follow for evaluating applications for piers and boat ramps in the Fox River-Chain O'Lakes region.

Enclosure


Peter J. Rowan, P.E.
Lieutenant Colonel, U.S. Army
District Engineer

Fox River-Chain O'Lakes Boat Pier and Boat Ramp Application Review Policy

I. Piers

A. Single Family Homes- Single User Piers - The policy does not apply to single user or single-residence piers. Single user or single residence piers may be processed under the Regional Permit Program, letter of permission or individual permit procedures, depending on the circumstance and shall be subject to mitigation for environmental impacts to the human and/or aquatic environment.

B. Restaurants, Taverns and Parks with temporary or transient docking may have their applications processed under the Regional Permit Program, letter of permission, or individual permit procedures if the proposed piers will not be used for overnight mooring. If the restaurant, tavern, or park will allow overnight mooring at the proposed piers, the District will consider the facility to be a multi-user facility subject to the pier permitting policy below.

C. Multi-user Facilities include, but are not limited to, marinas, yacht clubs, motels, hotels, country clubs, town home developments, homeowners associations, condominiums, apartments, common lots, and restaurants, taverns, or parks with overnight mooring. To be considered for a Department of the Army authorization, applicants must remove from the same trading region one authorized, currently serviceable multi-user pier for each pier for which a permit is sought. Moreover, each pier removed from the trading region must provide dockage for the same or greater size and equivalent or greater number of boats as the pier for which a permit is sought.

The pier trading regions are established for the lakes, river sections and their contiguous channels. The District must approve the suitability of proposed facilities for trading. The trading regions are:

- 1 - Grass Lake, Fox River north to the state line
- 2 - Bluff, Channel, Catherine, Marie, Petite, and Spring Lakes
- 3 - Fox, Nippersink and Pistakee Lakes, Fox River to Stratton Dam
- 4 - Fox River between Stratton and Algonquin Dams

Thus, all multi-user facility piers in the Fox River-Chain O'Lakes region must be either:

1. Currently authorized and in use under an existing Department of the Army permit or,
2. Present and in use in 1985 aerial photographs with verification of continued use by a site inspection and presence on current aerial photographs.

Pre-application discussions with District representatives are mandatory for multi-user facilities. The District will consider all permit applications on a case-by-case basis. In reviewing a permit application, the District will evaluate, among other things, whether the piers which the applicant seeks to remove from the trading region,

are comparable to the piers for which a permit is sought. Under Department of the Army Regulations, the aspect of right of reasonable use of private land is subject to the rights and interests of the public in the navigable waters of the United States, and consideration of fish and wildlife values.

Piers from single family platted homes or temporary piers from restaurants or taverns will not be considered acceptable "trading" piers. The District will not process permit applications unless and until the multi-user facility applying for the permit complies with the District's pier policy.

Notwithstanding this policy, the District has established a "grandfathering" policy for piers that were both present and in use in the Fox River-Chain O'Lakes region as of July 17, 1985, as shown by aerial photographs taken on that date and continue to be used, as verified by either a current site inspection or current aerial photographs. Only such multi-user piers that meet all of these criteria are "grandfathered." Replacement piers (that is, piers that replaced those in use in the Fox River-Chain O'Lakes region as of July 17, 1985) are not "grandfathered;" such piers require a permit.

II. Ramps

A. All Ramps - For each boat ramp for which a Department of the Army permit is sought, the permit applicant must remove from the ramp trading region an authorized, currently serviceable ramp of equal or greater size and equivalent or greater trailer parking as the ramp for which a permit is sought. Ramp(s) considered for trading must be currently authorized and in use under an existing Department of the Army permit.

All applications will be considered on a case-by-case basis, including suitability of proposed facilities for trading. Pre-application discussions are mandatory for ramp placement in all instances. An application will not be processed unless and until the applicant complies with the policy.

B. Ramp Trading Regions - The following ramp trading regions are established for the lake and river sections listed and their contiguous channels:

- 1 - Grass Lake, Fox River north to the state line
- 2 - Bluff, Channel, Catherine, Marie, Petite, Spring, Fox, Nippersink and Pistakee Lakes, Fox River to Stratton Dam
- 3 - Fox River between Stratton and Algonquin Dam

Ramp trading regions differ from those for piers because single family platted homes are included in the ramp restriction and there are fewer ramps available than piers.

III. Trading Eligibility

The District will determine the eligibility terms and requirements for trading upon evaluation of the circumstances presented by the pier or

ramp owner. All multi-user facilities authorized by the District to trade piers and/or ramps may do so for three years from the date of authorization, provided that they continue to meet the eligibility requirements set forth in this policy and/or as specifically determined by this office. A time extension may be granted if this office determines that the request for extension would not be contrary to the intent of this policy or the public interest. Any authorization issued by the District will be for the current circumstances and/or conditions of the pier and/or ramp at the time of issuance. Any structural changes, deterioration, or removal of the authorized structure(s) and/or fill will warrant reconsideration of trading rights by the Chicago District. Such changes without the Corps review shall invalidate eligibility for trading.

IV. Extraordinary Circumstances

Exceptions to this policy will be made only in extraordinary circumstances and solely at the discretion of the Chicago District.

V. Discretionary Authority

The District has the discretion to further condition or restrict the applicability of this policy, on a case-by-case basis, for any specific geographic area, or type(s) of activities or structures where there are concerns for aquatic resources or other factors of the public interest.

VI. Other Permits Required

Issuance of a Department of the Army permit does not obviate the need to secure all other permits or authorizations as may be required by local, state or other federal agencies. The responsibility for identifying and securing all such permits lies solely with the applicant.

A Department of the Army permit is without force or effect until all other required permits have been obtained.

Definitions

Abandonment - "failure to continue use or serviceability of the structure for at least one boating season."

Authority B "the District is authorized to issue or deny permits for structures on navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, and as per its regulations, the Corps has the discretion to suspend, modify, or revoke authorizations. Issuance of permits or authorizations by other agencies does not constitute an authorization from the Corps of Engineers."

Currently serviceable B "means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction."

Discretionary authority B "the District has the discretion to further condition or restrict the applicability of this policy, on a case-by-case basis, for any specific geographic area, or type(s) of activities or structures where there are concerns for aquatic resources or other factors of the public interest."

Grandfathering - "applies to any structure that was constructed and in place prior to or on July 17, 1985 is allowed to exist provided the structure has not been modified or abandoned since 1985. As of June 21, 1994, the original establishment date of this policy, those grandfathered structures do not require further authorization unless they are proposed for modification."

Modification of structures B "any deviation to the structures, configuration, location, use, or construction materials specified at the enactment of an authorization or grandfathering."

Multi-user piers B "piers that are normally accessed and used by multiple individuals for overnight mooring. Multi-user piers typically include, but are not limited to, marinas, yacht clubs, motels, hotels, country clubs, townhomes, homeowners associations, condominiums, apartments and outlots."

Single-user or Single-resident piers B "piers designated for use by a single residence on lots that are:

1) Platted to the riverfront and meet the local government's minimal legal lot size requirement for permanently fixed, legal family residences, or 2) designated through a recorded covenant, statute or ordinance before June 21, 1994 for use by a single family residence meeting the above criteria."

Transient piers B "piers used for parking, but not overnight mooring, to access facilities, parks, restaurants, businesses, or other establishments that provide goods or services to boaters or for boating uses."