

**ILLINOIS DEPARTMENT OF NATURAL RESOURCES
OFFICE OF WATER RESOURCES
ONE NATURAL RESOURCE WAY
SPRINGFIELD, ILLINOIS 62702-1271**

REGIONAL PERMIT NO. 3

**AUTHORIZING CONSTRUCTION OF MINOR PROJECTS
IN NORTHEASTERN ILLINOIS REGULATORY FLOODWAYS**

INTRODUCTION

Under the provisions of 17 Illinois Administrative Code, Part 3708, any construction within a regulatory floodway in Cook, DuPage, Kane, Lake, McHenry and Will counties requires a permit from the Illinois Department of Natural Resources, Office of Water Resources and from the local unit of government having jurisdiction.

The Part 3708 rules allow the Department to issue regional permits for specific activities which would not singularly or cumulatively result in increased flood stage or velocity. Subsequent to the effective date of this regional permit, it will not be necessary to submit applications to, or obtain individual permits from, the Department of Natural Resources, Office of Water Resources for those activities listed which meet the specified terms and conditions.

The Part 3708 rules require that all floodway construction applications be prepared and reviewed by a registered professional engineer. The registered professional engineer's preparation and review required by the Part 3708 rules is waived for projects meeting the terms and conditions of this regional permit.

APPLICABILITY

Except as noted, this regional permit applies to the construction of the specified projects within regulatory floodways designated by the Department of Natural Resources, Office of Water Resources pursuant to 17 Illinois Administrative Code, Part 3708 (Lake Michigan is not included).

TERMS AND CONDITIONS FOR SPECIFIC PROJECT TYPES

Underground and Overhead Utilities

To be authorized by this permit, underground and overhead utilities must meet the following criteria:

- (a) The construction of the utility must not result in any increase in existing ground elevations.
- (b) The construction of the utility must not involve the placement of above ground structures in the floodway other than supporting towers for overhead utilities.
- (c) In the case of underground stream crossings, the top of the pipe or encasement must be buried a minimum of three (3) feet below the existing stream bed.
- (d) In the case of overhead utilities, supporting towers are not to be placed in the watercourse and shall be designed not to catch debris.
- (e) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
- (f) A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act, 415 ILCS 5 (1996 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed.
- (g) If blasting is to be utilized in the construction of the crossing, the Permittee shall notify the Department of Natural Resources, Office of Resource Conservation at least (10) days prior to the blasting date to allow monitoring of any related fish kills.
- (h) This regional permit does not authorize utility crossings of the Kankakee River, Fox River and the Fox Chain O' Lakes, Chicago River, South Branch Chicago River, South Fork of South Branch Chicago River, West Fork of South Branch Chicago River, Ogden Slip, Chicago Sanitary and Ship Canal, North Branch Chicago River from its mouth to its junction with the North Shore Channel, North Shore Channel, North Branch Canal, Des Plaines River from its mouth to Lockport Lock, Lake Calumet, Lake Calumet entrance channel, Calumet-Sag Channel, Calumet River, Grand Calumet, and the Little Calumet River from its mouth to its junction with the Calumet-Sag Channel.

Storm and Sanitary Sewer Outfalls and Outlet Channels

To be authorized by this permit, storm and sanitary sewer outfalls and outlet channels must meet the following criteria:

- (a) The outfall must not project riverward or lakeward of the existing adjacent natural bank slope or bulkhead.
- (b) Construction of outfalls and outlet channels must not result in an increase in ground elevation in the floodway.
- (c) The outfall or outlet channel must not cause stream erosion at the discharge location.
- (d) The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
- (e) Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
- (f) The outlet jet shall not be a hazard to navigation.
- (g) The outlet discharge capacity shall not exceed 1,000 cubic feet per second.
- (h) Bank erosion shall be prevented by aprons, energy dissipators or drop structures as necessary.
- (i) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

Sidewalks, Athletic Fields (excluding fences), Playground Equipment and Patios

To be authorized by this permit, sidewalks, athletic fields, playground equipment and patios must meet the following criteria:

- (a) No fencing or fill may be placed or built as part of the project.
- (b) Sidewalks, athletic fields and patios must be built at or below grade.
- (c) Playground equipment must be anchored to prevent flotation and must be non-obstructive to flood flows.
- (d) No sidewalks or equipment shall project riverward or lakeward of the bank or shore.

Shoreline and Streambank Protection

To be authorized by this permit, construction of shoreline and streambank protection must meet the following criteria:

- (a) Only the following materials may be utilized: Stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber.
- (b) The length of shoreline or streambank to be protected shall not exceed one thousand (1000) feet.
- (c) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
- (d) Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- (e) Materials shall not be placed higher than the existing top of bank.
- (f) Materials shall be placed so that the modified cross-sectional area of the channel will conform to that of the natural channel upstream and downstream of the site. In no case shall the cross-sectional area of the natural channel be reduced. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
- (g) If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
- (h) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
- (i) In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation.
- (j) This regional permit does not authorize filling for the purpose of converting public water to private use.

Minor non-commercial boat docks

- (a) The boat dock must not project more than 50 feet into a waterway, and in no instance greater than 1/4 of the width of the waterway, and shall not extend beyond any established navigation limits of the Department of Natural Resources and the Corps of Engineers.
- (b) The width of the boat dock must not be greater than 10 feet.
- (c) For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed 50 percent of the landowner's shoreline frontage, nor be greater than 50 feet in length.
- (d) Docks must be aligned so as not to cross the straight-line projection of property lines into the waterway or come within 10 feet of the straight-line projection of the property line.
- (e) Seasonal shore stations/boat lifts must be located adjacent to a boat dock or seawall and must not cross the straight-line projection of the property lines.
- (f) Dock posts must be marked by reflective devices. It is recommended that navigation indicator colors not be used.
- (g) The boat dock must be securely anchored to prevent its detachment and becoming a floating hazard during times of high water or winds.
- (h) Metal drums or containers may not be used as buoyancy units unless they are filled with flotation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
- (i) This permit does not authorize any other permanent structures, such as non-fabric roofs and elevated decks.
- (j) Nonfloating boat docks must be constructed in a manner which will minimize obstruction of flow.
- (k) If at any future date the Department of Natural Resources or the Corps of Engineers determines that the dock facility obstructs or impairs navigation, or in any way infringes upon the rights or interests of the public or any individual party, the permittee agrees to make necessary modifications to the dock as determined by the Department of Natural Resources or the Corps of Engineers.

GENERAL CONDITIONS

1. This permit is granted in accordance with the Rivers, Lakes and Streams Act, 615 ILCS 5.
2. This permit does not convey title to any Permittee or recognize title of any Permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the project or any part thereof will be located, or otherwise granted to any Permittee any right or interest in or to the property whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
3. This permit does not release any Permittee from liability for damage to persons or property resulting from any activity covered by this permit, and does not authorize any injury to private property or invasion of private rights.
4. This permit does not relieve any Permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if any Permittee is required by law to obtain approval from any federal or other state agency to do the work, authorization granted by this permit is not effective until the federal and state approvals are obtained.
5. The Permittee shall, at the Permittee's own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project, from the floodway in which the work is done. If the Permittee fails to remove such structures or materials, the Department may have removal made at the expense of the Permittee. If the activity is on a public body of water and if future need for public navigation or public interests, by the state or federal government, necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the Permittee or Permittee's successors as required by the Department of Natural Resources or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
6. If a project authorized by this permit is located in or along a meandered lake, the Permittee and his successors shall make no claim whatsoever to any interest in any accretions caused by the project.
7. In issuing this permit, the Department of Natural Resources does not approve the adequacy of the design or structural strength of the structure or improvement authorized by this permit.

8. This Regional Permit shall remain in effect until such time as it is modified, suspended, or revoked by the Department of Natural Resources.

This Regional Permit was issued on July 25, 1990 and last modified or corrected May 15, 2003.

APPROVED:

Joel Brunsvold, Director
Department of Natural Resources

EXAMINED AND RECOMMENDED:

Martin J. Stralow, Manager
Division of Water Resource Management

APPROVAL RECOMMENDED:

Gary R. Clark, Acting Director
Office of Water Resources