



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

January 5, 2009

SUBJECT: FAP Route 324  
Project BRF-0324 (019)  
Section 23B-1  
McHenry County  
Contract No. 62892  
Item No. 85, January 16, 2009 Letting  
Addendum A

## NOTICE TO PROSPECTIVE BIDDERS:

Attached is an addendum to the plans or proposal. This addendum involves revised and/or added material.

1. Revised page iii of the Table of Contents to the Special Provisions.
2. Added pages 108 - 125 to the Special Provisions.

Prime contractors must utilize the enclosed material when preparing their bid and must include any Schedule of Prices changes in their bidding proposal.

Bidders using computer-generated bids are cautioned to reflect any and all Schedule of Prices changes, if involved, into their computer programs.

Very truly yours,

Eric E. Harm  
Interim Bureau Chief  
Bureau of Design and Environment

A handwritten signature in black ink, appearing to read "Ted B. Walschleger" with a small "P.E." to the right.

By: Ted B. Walschleger, P. E.  
Engineer of Project Management

cc: Diane O'Keefe, Region 1, District 1; Mike Renner; R. E. Anderson;  
Estimates

TBW:MS:jc

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Revised 01/05/2009

404 PERMIT



REGIONAL PERMIT PROGRAM

AUTHORIZATION

PERMITTEE: IDOT  
APPLICATION: LRC-2008-408  
ISSUING OFFICE: U.S. Army Corps of Engineers, Chicago District  
DATE:

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You are hereby authorized to perform work in accordance with the terms and conditions specified below. **This verification expires three (3) years from the date indicated above.**

Note: The term "you" and its derivatives, as used in this authorization, means the permittee or any future transferee. The term "this office" refers to the U.S. Army Corps of Engineers, Chicago District.

**PROJECT DESCRIPTION:** Impact Approximately 0.712 Acres of ADID High Habitat Resource for Replacement of Existing Structure Carrying Illinois Route 23 over the Kishwaukee River, Replacement of Existing Kishwaukee River Overflow Structure, Installation of a New Quadruple Box Culvert North of the Overflow and Road Widening Activities described in your notification and as shown on the plans entitled "IDOT FAP 324 (Illinois Route 23) Over Kishwaukee River, City of Marengo, McHenry County, Illinois, Grading Plan, Plan and Profile, Soil Erosion and Sediment Control Plans, Landscape Plan, Drainage and Utilities Plan", as submitted in the Section 404 Wetland Permit Application dated July 3, 2008.

To offset project impacts, permittee responsible mitigation shall be provided for at a 262 acre off-site mitigation project titled, "West Woodstock Prairie", located in Woodstock, McHenry County, Illinois.

**PROJECT LOCATION:** Illinois Route 23, South of River Road, North of IL Route 176, in Marengo, Marengo Township, McHenry, Illinois (NW Quarter of Section 25, Township 44 North, Range 5 East)

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**GENERAL CONDITIONS:** The above described work is authorized under the terms, conditions and requirements of Regional Permits #3 and #7, and shall follow the **General Conditions** outlined in the Regional Permit Program dated April 1, 2007.

**SPECIAL CONDITIONS:** To ensure that the activity has minimal individual and cumulative impacts, the following special conditions are required:

1. This authorization is based on the materials submitted as part of application number LRC-2008-408. Failure to comply with the terms and conditions of this authorization may result in suspension and revocation of your authorization.
2. The time limit for completing the authorized work ends three years from date of issuance. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office at least two months before the above date is reached.
3. You shall comply with the water quality certification issued under Section 401 of the Clean Water Act by the Illinois Environmental Protection Agency for the project.
4. You shall undertake and complete the project as described in the plans entitled, "IDOT FAP 324 (Illinois Route 23) Over Kishwaukee River, City of Marengo, McHenry County, Illinois, Grading Plan, Plan and Profile, Soil Erosion and Sediment Control Plans, Landscape Plan, Drainage and Utilities Plan", as submitted in the Section 404 Wetland Permit Application dated July 3, 2008 and, including all relevant documentation to the project plans as proposed.
5. You shall fully implement the mitigation project entitled "West Woodstock Prairie", dated October 6, 2008, concurrent with project construction. All created wetlands shall meet performance criteria in accordance with the approved mitigation plan.

Please be aware that work in jurisdictional areas shall not commence until this office has approved the final mitigation plans for the "West Woodstock Prairie" mitigation project. The mitigation plans shall follow all requirements for "permittee responsible mitigation" as defined in the "Federal Register Compensatory Mitigation for Losses of Aquatic Resources; Final Rule", 33 CFR 332.3 (k)(3).

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6. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition #5 will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the U.S. Army Corps of Engineers.

7. As part of the soil erosion and sediment control (SESC) process, you are required to retain a qualified Independent SESC Inspector (ISI) to review the project's SESC plans and provide a detailed narrative that explains the measures to be implemented at the project site. The ISI is also required to perform site inspections of the implemented SESC measures to ensure proper installation and regular maintenance of the approved methods.

Throughout the duration of the project you shall comply with the project's soil erosion and sediment control (SESC) plans and the installation and maintenance requirements of the SESC practices on-site. You shall notify this office any changes or modifications to the approved plan set. Please be aware that field conditions during project construction may require the implementation of additional SESC measures for further protection of aquatic resources. If you fail to implement corrective measures, this office may require more frequent site inspections to ensure the installed SESC measures are acceptable. **Please be aware that work authorized herein may not commence until you receive written notification from this office that your plans meet technical standards.**

The following ISI process is a requirement of your permit:

- a. You shall retain a qualified SESC inspector to perform periodic inspections of the implemented SESC measures to ensure proper installation and regular maintenance of the approved methods. The contact information for the Independent SESC Inspector (ISI) shall be submitted to this office via e-mail and/or hard copy prior to the Corps counter-signature on the permit and prior to commencement of the permitted work;
- b. Provide prior notification to a representative of this office and to the designated Independent SESC Inspector of the pre-construction meeting at least 10 calendar days in advance. The meeting shall be held to review the Corps approved SESC plans and if applicable, to discuss any necessary changes as required;
- c. The SESC inspector shall submit digital photographs of the SESC measures to the Corps on a weekly basis during the active and non-active phases of construction that represent the existing conditions of the site. Photographs shall be submitted at the completion of the project once the SESC measures have been

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removed and the area has been restored to pre-construction conditions; and

d. You shall contact this office immediately in the event of non-compliance and/or failure and inadequacy of an existing SESC method. Upon direction of the Corps, corrective measure shall be instituted at the site to correct the problem along with additional SESC measures which may be needed to ensure further protection of the resource and/or to restore the impacted jurisdictional area(s).

8. Prior to commencement of work, you shall submit construction plans and a narrative of the contractor's preferred method of cofferdam. Work in the waterway shall not commence until this office notifies you, in writing, that the plans have been approved.

9. You are responsible for all work authorized herein and for ensuring that all contractors are aware of the terms and conditions of this authorization. A copy of this authorization must be present at the project site during all phases of construction.

10. You shall 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.

11. You shall ensure that any wetland areas created or preserved as mitigation for work authorized by this permit shall not be made subject to any future construction and/or fill activities, except for the purposes of enhancing or restoring the mitigation area associated with this permit. All plans are to be approved by this office prior to commencement of any work.

12. You shall notify this office prior to the transfer of this authorization and liabilities associated with compliance with its terms and conditions. The transferee must sign the authorization in the space provided and forward a copy of the authorization to this office.

**OTHER INFORMATION:**

1. This office has authority to determine if an activity complies with the terms and conditions of the Regional Permit Program (RPP).

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2. Limits of RPP authorization:

a. This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law.

b. This authorization does not grant any property rights or exclusive privileges.

c. This authorization does not authorize any injury to the property or rights of others.

d. This authorization does not permit interference with any existing or proposed Federal project.

3. Limits of Federal Liability. The Federal Government does not assume any liability for the following:

a. Damages to the authorized project or uses thereof as a result of other authorized activities or from natural causes.

b. Damages to the authorized project or uses thereof as a result of current or future activities undertaken by or on 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 this authorized activity.

d. Design or construction deficiencies associated with the authorized work.

e. Damage claims associated with any future modifications, suspension, or revocation of this authorization.

4. Reliance on Applicant's Data. The determination by the issuing office that this activity complies with the terms and conditions of the RPP was made in the reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this authorization at any time the circumstances warrant. In addition, this office may reevaluate the determination that the project qualifies under a RPP. 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 authorization.

b. The information provided by you in support of your application proves to have been false, incomplete or

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inaccurate (see 4 above).

c. Significant new information surfaces which was not considered in reaching the original interest decision.

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Such a reevaluation may result in a determination that it is appropriate to suspend, modify or revoke your authorization. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this authorization.

Diane M. O'Keefe 12-31-08  
PERMITTEE DK DATE  
Diane O'Keefe  
Deputy Director of Highways, Region One Engineer  
Illinois Department of Transportation  
201 West Center Court  
Schaumburg, IL 60196

LRC-2008-408

Corps Authorization Number

\_\_\_\_\_  
OFF-SITE MITIGATION SPONSOR DATE  
(Authorized Agent)  
Lisa Haderlein, Executive Director  
Land Conservancy of McHenry County  
PO Box 352  
Woodstock, IL 60098

This authorization becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
For and on behalf of DATE  
Vincent V. Quarles  
Colonel, U.S. Army  
District Commander

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When the structures or work authorized by this authorization are still in existence at the time the property is transferred, the terms and conditions of this authorization will continue to be binding on the new owner(s) of the property. To validate the transfer of this authorization and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
TRANSFEEEE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

Added 01/05/2009



**U.S. Army Corps of Engineers**  
Chicago District

## **General Conditions** **Applicable to all Regional Permits**

The permittee shall comply with the terms and conditions of the Regional Permits and the following general conditions for all activities authorized under the RPP:

1. State 401 Water Quality Certification - Water quality certification under Section 401 of the Clean Water Act is required from the Illinois Environmental Protection Agency (IEPA). The District may consider water quality, among other factors, in determining whether to exercise discretionary authority and require an individual permit. Please note that Section 401 Water Quality Certification is a requirement for projects issued under Section 404 of the Clean Water Act. Projects issued under Section 10 of the Rivers and Harbors Act of 1899 do not require Section 401 Water Quality Certification (see APPENDIX B).

On January 31, 2007, the IEPA granted Section 401 certification, with conditions, for all Regional Permits, except for activities in certain waterways noted under RPs 4 and 8. The following conditions of the certification are hereby made conditions of the RPP:

1. The applicant shall not cause:
  - a) violation of applicable water quality standards of the Illinois Pollution Control Board Title 35, Subtitle C: Water Pollution Rules and Regulations;
  - b) water pollution defined and prohibited by the Illinois Environmental Protection Act; or
  - c) interference with water use practices near public recreation areas or water supply intakes.
2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all State statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has

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been issued by the Illinois EPA. Any backfilling must be done with clean material placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent soil erosion during construction shall be taken and may include the installation of staked straw bales, sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Stormwater Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of (1) one or more acres, total land area. An NPDES Stormwater Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Illinois EPA's Division of Water Pollution Control, Permit Section.
5. The applicant shall implement erosion control measures consistent with the Illinois Urban Manual (IEPA/USDA, NRCS; 2002 latest version).
6. The applicant is advised that the following permits(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.
7. Backfill used in the stream-crossing trench shall be predominantly sand or larger size material, with <20% passing a #230 U.S. sieve.
8. Any channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow. [Applicable only to projects which propose to relocate stream channels.]
9. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, straw bales, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.
10. Backfill used within trenches passing through surface waters of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
  - a) particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using #230 U.S. sieve;  
or
  - b) excavation and backfilling are done under dry conditions.
11. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.

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12. Any applicant proposing activities in a mined area or previously mined area shall provide to the IEPA a written determination regarding the sediment and materials used which are considered "acid-producing material" as defined in 35 Il. Adm. Code, Subtitle D. If considered "acid-producing material," the applicant shall obtain a permit to construct pursuant to 35 Il. Adm. Code 404.101.
13. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/stream banks, or 3) placed in waters of the State.
14. Applicants that use site dewatering techniques in order to perform work in perennial streams for construction activity approved under Regional Permits 1 (Residential, Commercial and Institutional Developments), 2 (Recreation Projects), 3 (Transportation Projects), 7 (Temporary Construction Activities), Permit 9 (Maintenance) or 12 (Bridge Scour Protection) shall maintain flow in the stream during such construction activity by utilizing dam and pumping, fluming, culverts or other such techniques.
15. In addition to any action required of the Regional Permit 13 (Cleanup of Toxic and Hazardous Materials Projects) applicant with respect to the "Notification" General Condition 21, the applicant shall notify the Illinois EPA Bureau of Water, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL) for all cleanup activities under BOL jurisdiction, or for which authorization or approval is sought from BOL for no further remediation. This Regional Permit is not valid for activities that do not require or will not receive authorization or approval from the BOL.
16. This Regional Permit is not valid for utility line projects under Regional Permits 1 (Residential, Commercial and Institutional Developments) and 2 (Recreation Projects) in the water bodies listed under Regional Permit 8 (Utility Line Projects).
2. Threatened and Endangered Species - If the District determines that the activity may affect Federally listed species or critical habitat, the District will initiate Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) in accordance with the ESA. Applicants may provide additional information that would enable the District to conclude that the proposed action is not likely to adversely affect a federally listed species. Applicants are encouraged to obtain information on threatened or endangered species and their critical habitats from the USFWS at the earliest stages of project planning

The application packet must include a letter from the USFWS indicating whether any species listed under the Endangered Species Act of 1973 may be present in areas affected (directly or indirectly). You may request such a letter by writing to:

Attention: Field Supervisor  
Chicago Field Office  
U.S. Fish and Wildlife Service  
1250 South Grove Avenue, Suite 103  
Barrington, Illinois 60010

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The consultation process will involve the following procedures: After an applicant (or their agent) submits a written request to the USFWS for information on the presence of listed species within a project area, the USFWS will send a reply to the applicant (and/or their agent) and the District. If the USFWS indicates that listed species may be present or that suitable habitat for the species may be in the area, or the project may have adverse effects on the listed species, informal discussions to resolve concerns among the applicant, the District and the USFWS may begin. The applicant can submit additional information, which may allow the USFWS to conclude that the project is unlikely to adversely affect a listed species. If all issues pertaining to endangered and threatened species have been resolved through the consultation process and to the satisfaction of the District and the USFWS, the District may, at its discretion, authorize the activity under the RPP. The time frame for informal discussions will vary, but efforts will be made by all parties to keep a planned schedule. If issues are not resolved, the analysis of the situation is complicated, or impacts to listed species are found to be greater than minimal, the District shall consider reviewing the project under the Individual Permit process.

3. Historic Properties - No activity is authorized under the RPP if the activity will affect properties listed, or properties eligible for listing, in the National Register of Historic Places, in accordance with the provisions of 33 CFR Part 325, Appendix C and Section 106 of the National Historic Preservation Act. Federal agencies should follow their own procedures for compliance with the requirements of the National Historic Preservation Act and other Federal historic preservation laws. Non-federal applicants should notify the District if the activity may affect historic properties which are listed, determined eligible for listing, or which the applicant has reason to believe may be eligible for listing, on the National Register of Historic Places in the project area. If the District determines that the activity may potentially affect a historic property, or a property eligible for listing, the activity shall not be authorized under the RPP and an individual permit will be required. The District will take into account the effects on such properties in accordance with 33 CFR Part 325, Appendix C. If all issues pertaining to historic properties have been resolved through the consultation process to the satisfaction of the District, Illinois Historic Preservation Agency (IHPA) and Advisory Council on Historic Preservation, the District may, at its discretion, authorize the activity under the RPP instead of an individual permit. Applicants are encouraged to obtain information on historic properties from the IHPA and the National Register of Historic Places at the earliest stages of project planning. For information, contact:

Illinois Historic Preservation Agency  
1 Old State Capitol Plaza  
Springfield, Illinois 62701-1507  
(217) 782-4836

4. Soil Erosion and Sediment Control - Measures shall be taken to control soil erosion and sedimentation at the project site to ensure that sediment is not transported to waters of the U.S. during construction. Soil erosion and sediment control measures shall be implemented before initiating any clearing, grading, excavating or filling activities. All temporary and permanent soil erosion and sediment control measures shall be maintained throughout the construction period and until the site is stabilized. All exposed soil and other fills, and any work below the ordinary high water mark shall be permanently stabilized at the earliest practicable date.

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Applicants are required to prepare a soil erosion and sediment control (SESC) plan. The plan shall be designed in accordance with the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control ("Green Book", latest version, except chapter 6). Practice standards and specifications for measures outlined in the soil erosion and sediment control plans will follow the latest edition of the "Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement." Additional Soil Erosion and Sediment Control (SESC) measures not identified in the "Green Book" may also be utilized upon District approval.

At the District's discretion, an applicant may be required to submit the SESC plan to the local Soil and Water Conservation District (for activities in Cook, DuPage, Kane, McHenry and Will Counties), or the Stormwater Management Commission (for activities in Lake County) for review. When the District does require submission of an SESC plan, the following applies: An activity may not commence until the SESC plan for the project site has been reviewed; The SWCD/SMC will review the plan and provide a written evaluation of its adequacy; A SESC plan is considered acceptable when the SWCD/SMC has found it meets technical standards. Once this determination has been made, the authorized work may commence unless the SWCD/SMC has requested that they be notified prior to commencement of the approved plans. The SWCD/SMC may attend pre-construction meetings with the permittee and conduct inspections during construction to determine compliance with the plans. Applicants are encouraged to begin coordinating with the appropriate SWCD/SMC office at the earliest stages of project planning. For information, contact:

Kane/DuPage SWCD 2315 Dean Street, Ste. 100 St. Charles, IL 60174 (630) 584-7961	Will/South Cook SWCD 1201 Gougar Road New Lenox, IL 60451 (815) 462-3106	McHenry County SWCD 1648 South Eastwood Dr. Woodstock, IL 60098 (815) 338-0099
North Cook SWCD 899 Jay Street Streamwood, IL 60120 (847) 468-0071	Lake County SMC 333-B Peterson Road Libertyville, IL 60048 (847) 918-5260	

5. Floodplain - Discharges of dredged or fill material into waters of the United States within the 100-year floodplain (as defined by the Federal Emergency Management Agency) resulting in permanent above-grade fills shall be avoided and minimized to the maximum extent practicable. When such an above-grade fill would occur, the applicant may need to obtain approval from the Illinois Department of Natural Resources, Office of Water Resources, (IDNR-OWR) which regulates activities affecting the floodway and local government (e.g., Village or County) with jurisdiction over activities in the floodplain. Compensatory storage may be required for fill within the floodplain. Applicants are encouraged to obtain information from the IDNR-OWR and local government with jurisdiction at the earliest stages of project planning. For information on floodway construction, contact:

IDNR/OWR  
36 S. Wabash, Suite 1415  
Chicago, Illinois 60603  
(312) 793-3123

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For information on floodplain construction, please contact the local government and/or the Federal Emergency Management Agency. Pursuant to 33 CFR 320.4 (j), the District will consider the likelihood of the applicant obtaining approval for above-ground permanent fills in floodplains in determining whether to issue authorization under the RPP.

6. Navigation - No activity may cause more than minimal adverse effects on navigation.

7. Proper Maintenance - Any authorized structure or fill shall be properly maintained, including that necessary to ensure public safety.

8. Aquatic Life Movements - No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including species that normally migrate through the area, unless the activity's primary purpose is to impound water.

9. Equipment - Heavy equipment working in wetlands shall be placed on mats or, other measures such as low-ground pressure equipment shall be taken to minimize soil disturbance.

10. Wild and Scenic Rivers - No activity may occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status. Information on Wild and Scenic Rivers may be obtained from the appropriate land management agency in the area, such as the National Park Service and the U.S. Forest Service.

11. Tribal Rights - No activity or its operation may impair reserved tribal rights, such as reserved water rights, treaty fishing and hunting rights.

12. Water supply intakes - No discharge of dredged or fill material may 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.

13. Shellfish production - No discharge of dredged or fill material may occur in areas of concentrated shellfish production.

14. Suitable material - No discharge of dredged or fill material may consist of unsuitable material and material discharged shall be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act). Unsuitable material includes trash, debris, car bodies, and asphalt.

15. Spawning areas - Discharges in spawning areas during spawning seasons shall be avoided to the maximum extent practicable.

16. Obstruction of high flows - Discharges shall not permanently restrict or impede the passage of normal or expected high flows. All crossings shall be culverted, bridged or otherwise designed to prevent the restriction of expected high water flows, and shall be designed so as not to impede low water flows or the movement of aquatic organisms.

17. Impacts from impoundments - If the discharge creates an impoundment of water adverse impacts on aquatic resources caused by the accelerated passage of water and/or the restriction of its flow shall be avoided to the maximum extent practicable.

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18. Waterfowl breeding areas - Discharges into breeding areas for migratory waterfowl shall be avoided to the maximum extent practicable.

19. Removal of temporary fills - Any temporary fill material shall be removed in its entirety and the affected area returned to its pre-existing condition.

20. Mitigation - Impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable at the project site. Avoidance and minimization shall be attempted before compensatory wetland mitigation is considered. Compensatory mitigation will be accomplished by establishing a minimum ratio of 1.5 acres of mitigation for every 1.0 acre of waters of the U.S. impacted by the project. Furthermore, the District has the discretion to require additional mitigation to ensure that the impacts are no more than minimal. Mitigation shall be consistent with the Memorandum of Agreement (MOA) between the Department of the Army and the Environmental Protection Agency Concerning the Determination of Mitigation under the Clean Water Act Section 404(b) (1) Guidelines. Mitigation may consist of the following, listed in order of preference: restoration of historic wetlands that are currently non-wetlands because of drainage or other alterations; enhancement of existing aquatic resources through various actions such as modification of hydrology, introduction of appropriate native species, invasive species removal, and other management measures; creation of aquatic resources in historically upland areas; and, preservation of existing aquatic resources through real estate acquisition strategies. Careful consideration shall be given to the likelihood of sustainability, practicability, availability, and reliability of compensatory mitigation. Off-site wetland mitigation may be considered where the long-term success of on-site mitigation is uncertain.

21. Notification - The applicant shall provide written notification (i.e., a complete application) for a proposed activity to be authorized under the RPP prior to commencing a proposed activity. The District's receipt of the complete application is the date when the District receives all required notification information from the applicant (see below). If the District does not provide a written response to the applicant within 45 calendar days following receipt of a complete application, the applicant may presume the proposed activity qualifies for the requested Regional Permit(s), provided the activity complies with the terms and conditions of the RPP. If the District informs the applicant within 45 calendar days that the notification is incomplete (i.e., not a complete application), the applicant shall submit to the District in writing, the requested information to be considered for review under the Regional Permit Program. A new 45-day review period will commence when the District receives the requested information. Applications that involve unauthorized activities that are completed or partially completed by the applicant are not subject to the 45-day review period.

For all activities, notification will include:

- a. A cover letter providing a detailed description of the proposed activity, a clear project purpose and need statement, the Regional Permit(s) to be used for the activity, the area (in acres) of waters of the U.S. to be impacted, and a statement that the terms and conditions of the RPP will be followed;

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- b. A completed joint application form (NCR Form 426, Protecting Illinois Waters) signed by the applicant or agent. If the agent signs, notification shall include a signed, written statement from the applicant designating the agent as their representative;
- c. A delineation of waters of the U.S., including wetlands, for the project area, and for areas adjacent to the project site (off-site wetlands shall be identified through the use of reference materials including review of local wetland inventories, soil surveys and the most recent available photography), shall be prepared in accordance with the current Corps of Engineers methodology and generally conducted during the growing season. For sites supporting wetlands, the delineation shall include a Floristic Quality Assessment (Swink and Wilhelm, 1994, latest edition, Plants of the Chicago Region). The delineation shall also include information on the occurrence of any high-quality aquatic resources, and a listing of waterfowl and amphibian species observed while at the project area. The District will exercise their judgment when it comes to the submittal of wetland delineation. Flexibility of the requirements may be determined by the District on a case-by-case basis only.
- d. A map showing the location of the project area;
- e. Full-size preliminary engineering drawings (8 1/2" x 11" reduced-sized for Category II projects only) showing all aspects of the proposed activity and the location of waters of the U.S. to be impacted and not impacted. The plans shall include grading contours and proposed and existing structures such as buildings footprints, roadways, road crossings, stormwater management facilities, utilities, construction access areas and details of water conveyance structures. The drawings shall also depict buffer areas, outlots or open space designations, best management practices, deed restricted areas, and restoration areas, if required under the specific RP;
- f. Submittal of soil erosion and sediment control (SESC) plans that identify all SESC measures to be instituted during construction of the project;
- g. The application must include a letter from the U.S. Fish and Wildlife Service (Service) indicating whether any species listed under the Endangered Species Act of 1973, as amended (Act), may be present within areas affected (directly or indirectly) by the proposed project. This letter should be dated within one year of the submission date of the application packet to the District. The District will use this and other available information to determine whether the proposed project may adversely affect a federally listed species. If the District believes that a listed species may be adversely affected we will begin discussions with the Service, and will include the applicant or their consultant in these discussions. If appropriate, the District will request formal

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\* If a wetland delineation is conducted outside the growing season, the District will determine on a case-by-case basis whether sufficient evidence is available to make an accurate determination. If the District finds that delineation lacks sufficient evidence, the application will not be considered complete until such time the information is provided. This may involve re-delineating the project site during the growing season.

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consultation from the Service pursuant to section 7 of the Act on the proposed project. The District will not issue a permit to an applicant until the consultation process is completed;

- h. A signed statute of limitations tolling agreement (if application is after-the-fact);
- i. A discussion of measures taken to avoid and/or minimize impacts to aquatic resources on the project site;
- j. A compensatory mitigation plan for all impacts to waters of the U.S., (if compensatory mitigation is required under the specific RP); and
- k. Other items listed under the specific RP.

For Category II activities, the District will, upon receipt of a complete application, provide by facsimile transmission, email or other expeditious means), a pre-construction notice (PCN) which describes the proposed activity to the United States Fish & Wildlife Service (USFWS), United States Environmental Protection Agency (USEPA), Illinois Department of Natural Resources (IDNR), Illinois Department of Natural Resources/Office of Water Resources (IDNR/OWR) Illinois Environmental Protection Agency (IEPA), Illinois Historic Preservation Agency (IHPA), Illinois Nature Preserves Commission (INPC) and U.S. Coast Guard (Section 10 activities only). These agencies will then have ten (10) calendar days from the date the PCN is transmitted to contact the District if they intend to provide substantive, site-specific comments. If so contacted by an agency, the District will grant an extension, not to exceed fifteen (15) calendar days for agency written comments before making a decision on the notification. The District will fully consider agency comments received within the specified time frame. If the District determines the activity complies with the terms and conditions of the RPP and impacts on aquatic resources are minimal, the District will notify the applicant in writing and include any special conditions deemed necessary. If the District determines that the impacts of the proposed activity are more than minimal, the District will notify the applicant that the project does not qualify for authorization under the RPP and instruct the applicant on the procedures to seek authorization under an individual permit.

22. Compliance Certification - Every permittee who has received authorization under the RPP from the District will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the District with the authorization letter and will include: a) A statement that the authorized work was done in accordance with the District's authorization, including any general or specific conditions; b) A statement that any required mitigation was completed in accordance with the permit conditions and; c) The signature of the permittee certifying the completion of the work and mitigation.

23. Multiple use of Regional Permits - In any case where a Regional Permit is combined with any other Regional Permit to cover a single and complete project (except where prohibited under specific Regional Permits), the applicant shall notify the District in accordance with General Condition 21. If multiple Regional Permits are used, the total impact may not exceed the maximum allowed by the Regional Permit with the greatest impact threshold.

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24. Other Restrictions - Authorization under the RPP does not obviate the need to obtain other Federal, State or local permits, approvals, or authorizations required by law nor does it grant any property rights or exclusive privileges, authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project.

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