1W

April 27, 2018 Letting

Notice to Bidders Specifications And Proposal

Illinois Department of Transportation

Springfield, Illinois 62764

Illinois Department of Natural Resources
Office of Water Resources
Division of Capital Programs

Contract No. FR-441
Project Name: Vermilion River
Danville Dam Removal and Bank Stabilization
County: Vermilion

Illinois Department of
Natural Resources
One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov
Bruce Rauner, Governor
Wayne A. Rosenthal, Director

NOTICE TO BIDDERS

1. **TIME AND PLACE OF OPENING BIDS.** Electronic bids are to be submitted to the electronic bidding system (iCX-Integrated Contractors Exchange). All bids must be submitted to the iCX system prior to 10:00 a.m., Friday March 23, 2018, at which time the bids will be publicly opened from the iCX Secure Vault.

2. **DESCRIPTION OF WORK**. The proposed work is identified and advertised for bids in the Invitation for Bids as:

   1W
   Vermilion River
   Danville Dam Removal and Bank Stabilization
   Vermilion County
   FR-441

   Removal of the Danville Dam on the Vermilion River, removal of debris from below the U.S. Route 150 bridge over the Vermilion River and bank stabilization in the vicinity of the Dam.

2. **INSTRUCTIONS TO BIDDERS**.

(a) This Notice, the invitation for bids, proposal and letter of award shall, together with all other documents in accordance with Article 101.09 of the Standard Specifications for Road and Bridge Construction, become part of the contract. Bidders are cautioned to read and examine carefully all documents, to make all required inspections, and to inquire or seek explanation of the same prior to submission of a bid.

(b) State law, and, if the work is to be paid wholly or in part with Federal-aid funds, Federal law requires the bidder to make various certifications as a part of the proposal and contract. By execution and submission of the proposal, the bidder makes the certification contained therein. A false or fraudulent certification shall, in addition to all other remedies provided by law, be a breach of contract and may result in termination of the contract.

4. AWARD CRITERIA AND REJECTION OF BIDS. This contract will be awarded to the lowest responsive and responsible bidder considering conformity with the terms and conditions established by the Illinois Department of Natural Resources, Office of Water Resources, Division of Capital Programs in the rules, Invitation for Bids and contract documents. The issuance of plans and proposal forms for bidding based upon a prequalification rating shall not be the sole determinant of responsibility. The Department reserves the right to determine responsibility at the time of award, to reject any or all proposals, to readvertise the proposed project, and to waive technicalities.

By Order of the

Illinois Department of Natural Resources
Office of Water Resources

Loren Wobig, Director

Illinois Department of Natural Resources
Office of Water Resources
Division of Capital Programs

Return with Bid
(If Applicable)

This Annual Proposal Bid Bond shall become effective at 12:01 AM (CDST) on _____ and shall be valid until _____ 11:59 PM (CDST).

KNOW ALL MEN BY THESE PRESENTS, That We _____

as PRINCIPAL, and _____

as SURETY, and held jointly, severally and firmly bound unto the STATE OF ILLINOIS in the penal sum of 5 percent of the total bid price, or for the amount specified in the bid proposal under "Proposal Guaranty" in effect on the date of the Invitation for Bids, whichever is the lesser sum, well and truly to be paid unto said STATE OF ILLINOIS, for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns.

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that whereas, the PRINCIPAL may submit bid proposal(s) to the STATE OF ILLINOIS, acting through the Department of Transportation, for various improvements published in the Transportation Bulletin during the effective term indicated above.

NOW, THEREFORE, if the Department shall accept the bid proposal(s) of the PRINCIPAL; and if the PRINCIPAL shall, within the time and as specified in the bidding and contract documents; and if, after award by the Department, the PRINCIPAL shall enter into a contract in accordance with the terms of the bidding and contract documents including evidence of the required insurance coverages and providing such bond as specified with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof; or if, in the event of the failure of the PRINCIPAL to enter into such contract and to give the specified bond, the PRINCIPAL pays to the Department the difference not to exceed the penalty hereof between the amount specified in the bid proposal and such larger amount for which the Department may contract with another party to perform the work covered by said bid proposal, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

IN THE EVENT the Department determines the PRINCIPAL has failed to comply with any requirement as set forth in the preceding paragraph, then Surety shall pay the penal sum to the Department within fifteen (15) days of written demand therefor. If Surety does not make full payment within such period of time, the Department may bring an action to collect the amount owed. Surety is liable to the Department for all its expenses, including attorney's fees, incurred in any litigation in which it prevails either in whole or in part.

In TESTIMONY WHEREOF, the said PRINCIPAL has caused this instrument to be signed by its officer
_____ day of _____ A.D., _____.

_____
(Company Name)

By _____
(Signature and Title)

Notary for PRINCIPAL

STATE OF _____
COUNTY OF _____

Signed and attested before me on _____ (date)
by _____
(Name of Notary Public)

(Seal) _____
(Signature of Notary Public)

_____
(Date Commission Expires)

In TESTIMONY WHEREOF, the said SURETY has caused this instrument to be signed by its officer
_____ day of _____ A.D., _____.

_____
(Company Name)

By _____
(Signature of Attorney-in-Fact)

Notary for SURETY

STATE OF _____
COUNTY OF _____

Signed and attested before me on _____ (date)
by _____
(Name of Notary Public)

(Seal) _____
(Signature of Notary Public)

_____
(Date Commission Expires)

In lieu of completing the above section of the Annual Proposal Bid Bond form, the Principal may file an Electronic Bid Bond. By signing the proposal(s) the Principal is ensuring the identified electronic bid bond has been executed and the Principal and Surety are firmly bound unto the State of Illinois under the conditions of the bid bond as shown above.

Electronic Bid Bond ID #	Company/Bidder Name	Signature and Title

This bond may be terminated, at Surety's request, upon giving not less than thirty (30) days prior written notice of the cancellation/termination of the bond. Said written notice shall be issued to the Illinois Department of Transportation, Chief Contracts Official, 2300 South Dirksen Parkway, Springfield, Illinois, 62764, and shall be served in person, by receipted courier delivery or certified or registered mail, return receipt requested. Said notice period shall commence on the first calendar day following the Department's receipt of written cancellation/termination notice. Surety shall remain firmly bound to all obligations herein for proposals submitted prior to the cancellation/termination. Surety shall be released and discharged from any obligation(s) for proposals submitted for any letting or date after the effective date of cancellation/termination.

Return with Bid

Illinois Department of Natural Resources
Office of Water Resources
Division of Capital Programs

Proposal Bid Bond

Item No.

Letting Date

Project Name _____

Project Number _____

KNOW ALL PERSONS BY THESE PRESENTS, That We _____

as PRINCIPAL, and _____

as SURETY, and held jointly, severally and firmly bound unto the STATE OF ILLINOIS in the penal sum of 5 percent of the total bid price, or for the amount specified in the bid proposal under "Proposal Guaranty" in effect on the date of the Invitation for Bids, whichever is the lesser sum, well and truly to be paid unto said STATE OF ILLINOIS, for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns.

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that whereas, the PRINCIPAL has submitted a bid proposal to the STATE OF ILLINOIS, acting through the Department of Transportation, for the improvement designated by the Transportation Bulletin Item Number and Letting Date indicated above.

NOW, THEREFORE, if the Department shall accept the bid proposal of the PRINCIPAL; and if the PRINCIPAL shall, within the time and as specified in the bidding and contract documents; and if, after award by the Department, the PRINCIPAL shall enter into a contract in accordance with the terms of the bidding and contract documents including evidence of the required insurance coverages and providing such bond as specified with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof; or if, in the event of the failure of the PRINCIPAL to enter into such contract and to give the specified bond, the PRINCIPAL pays to the Department the difference not to exceed the penalty hereof between the amount specified in the bid proposal and such larger amount for which the Department may contract with another party to perform the work covered by said bid proposal, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

IN THE EVENT the Department determines the PRINCIPAL has failed to comply with any requirement as set forth in the preceding paragraph, then Surety shall pay the penal sum to the Department within fifteen (15) days of written demand therefor. If Surety does not make full payment within such period of time, the Department may bring an action to collect the amount owed. Surety is liable to the Department for all its expenses, including attorney's fees, incurred in any litigation in which it prevails either in whole or in part.

In TESTIMONY WHEREOF, the said PRINCIPAL has caused this instrument to be signed by its officer
_____ day of _____ A.D., _____ .

_____
(Company Name)

By _____
(Signature and Title)

Notary for PRINCIPAL

STATE OF _____
COUNTY OF _____

Signed and attested before me on _____ (date)
by _____
(Name of Notary Public)

(Seal)

_____
(Signature of Notary Public)

_____
(Date Commission Expires)

In TESTIMONY WHEREOF, the said SURETY has caused this instrument to be signed by its officer
_____ day of _____ A.D., _____ .

_____
(Company Name)

By _____
(Signature of Attorney-in-Fact)

Notary for SURETY

STATE OF _____
COUNTY OF _____

Signed and attested before me on _____ (date)
by _____
(Name of Notary Public)

(Seal)

_____
(Signature of Notary Public)

_____
(Date Commission Expires)

In lieu of completing the above section of the Proposal Bid Bond form, the Principal may file an Electronic Bid Bond. By signing the proposal the Principal is ensuring the identified electronic bid bond has been executed and the Principal and Surety are firmly bound unto the State of Illinois under the conditions of the bid bond as shown above.

Electronic Bid Bond ID # | Company/Bidder Name | Signature and Title

Illinois Department of Natural Resources

DBE Utilization Plan

(1) Policy

It is public policy that disadvantaged businesses as defined in the Special Provision shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal or State funds.

(2) Obligation

The contractor agrees to ensure that disadvantaged businesses as defined in the Special Provision have the maximum opportunity to participate in the performance of contracts or subcontracts financed in whole or in part with Federal or State funds. The contractor shall take all necessary and reasonable steps in accordance with the Special Provision to ensure that said businesses have the maximum opportunity to compete for and perform under this contract. The contractor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts.

(3) Project and Bid Identification

Complete the following information concerning the project and bid:

Total Bid _____

Contract DBE Goal _____ (Percent) _____ (Dollar Amount)

Project _____

County _____

Letting Date _____

Contract No. _____

Letting Item No. _____

(4) Assurance

I, acting in my capacity as an officer of the undersigned bidder (or bidders if a joint venture), hereby assure the Department that on this project my company : (check one)

☐ Meets or exceeds contract award goals and has provided documented participation as follows:
Disadvantaged Business Participation _____ percent

Attached are the signed participation statements, forms SBE 2025, required by the Special Provision evidencing availability and use of each business participating in this plan and assuring that each business will perform a commercially useful function in the work of the contract.

☐ Failed to meet contract award goals and has included good faith effort documentation to meet the goals and that my company has provided participation as follows:

Disadvantaged Business Participation _____ percent

The contract goals should be accordingly modified or waived. Attached is all information required by the Special Provision in support of this request including good faith effort. Also attached are the signed participation statements, forms SBE 2025, required by the Special Provision evidencing availability and use of each business participating in this plan and assuring that each business will perform a commercially useful function in the work of the contract.

_____
Company

By _____

Title _____

Date _____

The "as read" Low Bidder is required to comply with the Special Provision.

Submit only one utilization plan for each project. The utilization plan shall be submitted in accordance with the special provision.

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

The Department of Natural Resources is requesting disclosure of information that is necessary to accomplish the purpose as outlined under State and Federal law. Disclosure of this information is **REQUIRED**. Failure to provide any information will result in the contract not being awarded.

Illinois Department of Natural Resources

DBE Participation Statement

Subcontractor Registration Number _____ Letting _____

Participation Statement Item No. _____

(1) Instructions Contract No. _____

This form must be completed for each disadvantaged business participating in the Utilization Plan. This form shall be submitted in accordance with the special provision and will be attached to the Utilization Plan form. If additional space is needed complete an additional form for the firm. Trucking participation items; description must list what is anticipated towards goal credit.

(2) Work:

Please indicate: J/V _____Manufacturer _____Supplier (60%) _____Subcontractor _____Trucking _____

Pay Item No.	Description (Anticipated items for trucking)*	Quantity	Unit Price	Total
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
			Total	

(3) Partial Payment Items (For any of the above items which are partial pay items)

Description must be sufficient to determine a Commercially Useful Function, specifically describe the work and subcontract dollar amount:
*Applies to trucking only

(4) Commitment

When a DBE is to be a second-tier subcontractor, or if the first-tier DBE subcontractor is going to be subcontracting a portion of its subcontract, it must be clearly indicated on the DBE Participation Statement, and the details of the transaction fully explained.

In the event a DBE subcontractor second-tiers a portion of its subcontract to one or more subcontractors during the work of a contract, the prime must submit a DBE Participation Statement, with the details of the transaction(s) fully explained.

The undersigned certify that the information included herein is true and correct, and that the DBE firm listed below has agreed to perform a commercially useful function in the work of the contract item(s) listed above and to execute a contract with the prime contractor or 1st Tier subcontractor. The undersigned further understand that no changes to this statement may be made without prior approval from the Department and that complete and accurate information regarding actual work performed on this project and the payment therefore must be provided to the Department.

_____
Signature for Contractor __ 1st Tier __ 2nd Tier

Date _____

Contact Person _____

Title _____

Firm Name _____

Address _____

City/State/Zip _____

Phone _____

Email Address _____

_____
Signature for DBE Firm __ 1st Tier __ 2nd Tier

Date _____

Contact Person _____

Title _____

Firm Name _____

Address _____

City/State/Zip _____

Phone _____

Email Address _____

The Department of Natural Resources is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under the state and federal law. Disclosure of this information is **REQUIRED**. Failure to provide any information will result in the contract not being awarded.

E _____

WC _____

CONTRACTOR OFFICE COPY OF CONTRACT SPECIFICATIONS

NOTICE

None of the following material needs to be returned with the bid package unless the special provisions require documentation and/or other information to be submitted.

Illinois Department of Transportation

SUBCONTRACTOR DOCUMENTATION

Public Acts 96-0795, 96-0920, and 97-0895 enacted substantial changes to the provisions of the Code (30 ILCS 500). Among the changes are provisions affecting subcontractors. The Contractor awarded this contract will be required as a material condition of the contract to implement and enforce the contract requirements applicable to subcontractors that entered into a contractual agreement with a total value of $50,000 or more with a person or entity who has a contract subject to the Code and approved in accordance with article 108.01 of the Standard Specifications for Road and Bridge Construction.

If the Contractor seeks approval of subcontractors to perform a portion of the work, and approval is granted by the Department, the Contractor shall provide a copy of the subcontract to the Illinois Department of Transportation's CPO upon request within 15 calendar days after execution of the subcontract.

Financial disclosures required pursuant to Sec. 50-35 of the Code must be submitted for all applicable subcontractors. The subcontract shall contain the certifications required to be made by subcontractors pursuant to Article 50 of the Code. This Notice to Bidders includes a document incorporating all required subcontractor certifications and disclosures for use by the Contractor in compliance with this mandate. The document is entitled State Required Ethical Standards Governing Subcontractors.

RETURN WITH SUBCONTRACT

STATE ETHICAL STANDARDS GOVERNING SUBCONTRACTORS

Article 50 of the Code establishes the duty of all State CPOs, SPOs, and their designees to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the State of Illinois and to act in a manner that maintains the integrity and public trust of State government. In discharging this duty, they are charged by law to use all available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the State of Illinois.

The certifications hereinafter made by the subcontractor are each a material representation of fact upon which reliance is placed should the Department approve the subcontractor. The CPO may terminate or void the contract approval if it is later determined that the bidder or subcontractor rendered a false or erroneous certification. If a false certification is made by a subcontractor the contractor's submitted bid and the executed contract may not be declared void unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.

Section 50-2 of the Code provides that every person that has entered into a multi-year contract and every subcontractor with a multi-year subcontract shall certify, by July 1 of each fiscal year covered by the contract after the initial fiscal year, to the responsible CPO whether it continues to satisfy the requirements of Article 50 pertaining to the eligibility for a contract award. If a contractor or subcontractor is not able to truthfully certify that it continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or subcontractor that makes a false statement material to any given certification required under Article 50 is, in addition to any other penalties or consequences prescribed by law, subject to liability under the Whistleblower Reward and Protection Act for submission of a false claim.

A. Bribery

Section 50-5. Bribery.

(a) Prohibition. No person or business shall be awarded a contract or subcontract under this Code who:

(1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

(2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

(b) Businesses. No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

(1) the business has been finally adjudicated not guilty; or

(2) the business demonstrates to the governmental entity with which it seeks to contract, or which is signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in paragraph (2) of subsection (a) of Section 5-4 of the Criminal Code of 2012.

(c) Conduct on behalf of business. For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

(d) Certification. Every bid submitted to and contract executed by the State, and every subcontract subject to Section 20-120 of the Code shall contain a certification by the contractor or the subcontractor, respectively, that the contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO may declare the related contract void if any certifications required by this Section are false. A contractor who makes a false statement, material to the certification, commits a Class 3 felony.

The contractor or subcontractor certifies that it is not barred from being awarded a contract under Section 50-5.

B. Felons

Section 50-10. Felons.

(a) Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.

(b) Certification. Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of the Code shall contain a certification by the bidder or contractor or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO may declare the related contract void if any of the certifications required by this Section are false.

RETURN WITH SUBCONTRACT

C. Debt Delinquency

Section 50-11 and 50-12. Debt Delinquency.

The contractor or bidder or subcontractor, respectively, certifies that it, or any affiliate, is not barred from being awarded a contract or subcontract under the Code. Section 50-11 prohibits a person from entering into a contract with a State agency, or entering into a subcontract, if it knows or should know that it, or any affiliate, is delinquent in the payment of any debt to the State as defined by the Debt Collection Board. Section 50-12 prohibits a person from entering into a contract with a State agency, or entering into a subcontract, if it, or any affiliate, has failed to collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act. The bidder or contractor or subcontractor, respectively, further acknowledges that the CPO may declare the related contract void if this certification is false or if the bidder, contractor, or subcontractor, or any affiliate, is determined to be delinquent in the payment of any debt to the State during the term of the contract.

D. Prohibited Bidders, Contractors and Subcontractors

Section 50-10.5 and 50-60(c). Prohibited bidders, contractors and subcontractors.

The bidder or contractor or subcontractor, respectively, certifies in accordance with 30 ILCS 500/50-10.5 that no officer, director, partner or other managerial agent of the contracting business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 or if in violation of Subsection (c) for a period of five years from the date of conviction. Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of the Code shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO shall declare the related contract void if any of the certifications completed pursuant to this Section are false.

E. Section 42 of the Environmental Protection Act

The bidder or contractor or subcontractor, respectively, certifies in accordance with 30 ILCS 500/50-14 that the bidder, contractor, or subcontractor, is not barred from being awarded a contract or entering into a subcontract under this Section which prohibits the bidding on or entering into contracts with the State of Illinois or a State agency, or entering into any subcontract, that is subject to the Code by a person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of Section 42 of the Environmental Protection Act for a period of five years from the date of the order. The bidder or contractor or subcontractor, respectively, acknowledges that the CPO may declare the contract void if this certification is false.

The undersigned, on behalf of the subcontracting company, has read and understands the above certifications and makes the certifications as required by law.

_____
Name of Subcontracting Company

_____ _____
Authorized Officer Date

RETURN WITH SUBCONTRACT

SUBCONTRACTOR DISCLOSURES

I. DISCLOSURES

A. The disclosures hereinafter made by the subcontractor are each a material representation of fact upon which reliance is placed. The subcontractor further certifies that the Department has received the disclosure forms for each subcontract.

The CPO may void the bid, contract, or subcontract, respectively, if it is later determined that the bidder or subcontractor rendered a false or erroneous disclosure. A contractor or subcontractor may be suspended or debarred for violations of the Code. Furthermore, the CPO may void the contract.

B. Financial Interests and Conflicts of Interest

1. Section 50-35 of the Code provides that all subcontracts with a total value of $50,000 or more, from subcontractors identified in Section 20-120 of the Code, shall be accompanied by disclosure of the financial interests of the subcontractor. This disclosed information for the subcontractor, will be maintained as public information subject to release by request pursuant to the Freedom of Information Act, filed with the Procurement Policy Board, and shall be incorporated as a material term of the Prime Contractor's contract. Furthermore, pursuant to this Section, the Procurement Policy Board may recommend to allow or void a contract or subcontract based on a potential conflict of interest.

The financial interests to be disclosed shall include ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the subcontracting entity or its parent entity, whichever is less, unless the subcontractor is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure. If a subcontractor is a privately held entity that is exempt from Federal 10K reporting, but has more than 100 shareholders, it may submit the information that Federal 10K companies are required to report, and list the names of any individual or entity holding any ownership share that is in excess of 5%. The disclosure shall include the names, addresses, and dollar or proportionate share of ownership of each individual making the disclosure, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial interest of each individual making the disclosure having any of the relationships identified in Section 50-35 and on the disclosure form.
The current annual salary of the Governor is $177,412.00.

In addition, all disclosures shall indicate any other current or pending contracts, subcontracts, proposals, leases, or other ongoing procurement relationships the subcontracting entity has with any other unit of state government and shall clearly identify the unit and the contract, subcontract, proposal, lease, or other relationship.

2. Disclosure Forms. Disclosure Form A is attached for use concerning the individuals meeting the above ownership or distributive share requirements. A separate Disclosure Form A must be submitted with the bid for each individual meeting the above requirements. In addition, a second form (Disclosure Form B) provides for the disclosure of current or pending procurement relationships with other (non-IDOT) state agencies and a total ownership certification. **The forms must be included with each bid.**

C. Disclosure Form Instructions

Form A Instructions for Financial Information & Potential Conflicts of Interest

If the subcontractor is a publicly traded entity subject to Federal 10K reporting, the 10K Report may be submitted to meet the requirements of Form A. If a subcontractor is a privately held entity that is exempt from Federal 10K reporting, but has more than 100 shareholders, it may submit the information that Federal 10K companies are required to report, and list the names of any individual or entity holding any ownership share that is in excess of 5%. If a subcontractor is not subject to Federal 10K reporting, the subcontractor must determine if any individuals are required by law to complete a financial disclosure form. To do this, the subcontractor should answer each of the following questions. A "YES" answer indicates Form A must be completed. If the answer to each of the following questions is "NO", then the NOT APPLICABLE STATEMENT on the second page of Form A must be signed and dated by an individualthat is authorized to execute contracts for the subcontracting company. Note: These questions are for assistance only and are not required to be completed.

1. Does anyone in your organization have a direct or beneficial ownership share of greater than 5% of the bidding entity or parent entity? YES ___ NO___
2. Does anyone in your organization have a direct or beneficial ownership share of less than 5%, but which has a value greater than 60% of the annual salary of the Governor? YES ___ NO___
3. Does anyone in your organization receive more than 60% of the annual salary of the Governor of the subcontracting entity's or parent entity's distributive income? YES ___ NO __

   (Note: Distributive income is, for these purposes, any type of distribution of profits. An annual salary is not distributive income.)
4. Does anyone in your organization receive greater than 5% of the subcontracting entity's or parent entity's total distributive income, but which is less than 60% of the annual salary of the Governor? YES ___ NO __

   (Note: Only one set of forms needs to be completed per individual per subcontract even if a specific individual would require a yes answer to more than one question.)

A "YES" answer to any of these questions requires the completion of Form A. The subcontractor must determine each individual in the subcontracting entity or the subcontracting entity's parent company that would cause the questions to be answered "Yes". Each form must be signed and dated by an individual that is authorized to execute contracts for your organization. The individual signing can be, but does not have to be, the individual for which the form is being completed. The subcontractor is responsible for the accuracy of any information provided.

If the answer to each of the above questions is "NO", then the NOT APPLICABLE STATEMENT on page 2 of Form A must be signed and dated by an individual that is authorized to execute contracts for your company.

RETURN WITH SUBCONTRACT

Form B: **Instructions for Identifying Other Contracts & Procurement Related Information**

Disclosure Form B must be completed for each subcontract submitted by the subcontracting entity. *Note: Checking the NOT APPLICABLE STATEMENT on Form A does not allow the subcontractor to ignore Form B. Form B must be completed, checked, and dated or the subcontract will not be approved.*

The Subcontractor shall identify, by checking Yes or No on Form B, whether it has any pending contracts, subcontracts, leases, bids, proposals, or other ongoing procurement relationship with any other (non-IDOT) State of Illinois agency. If "No" is checked, the subcontractor only needs to complete the check box on the bottom of Form B. If "Yes" is checked, the subcontractor must list all non-IDOT State of Illinois agency pending contracts, subcontracts, leases, bids, proposals, and other ongoing procurement relationships. These items may be listed on Form B or on an attached sheet(s). Contracts with cities, counties, villages, etc. are not considered State of Illinois agency contracts and are not to be included. Contracts or subcontracts with other State of Illinois agencies such as the Department of Natural Resources or the Capital Development Board must be included.

RETURN WITH SUBCONTRACT

ILLINOIS DEPARTMENT OF TRANSPORTATION

Form A
Subcontractor: Financial Information & Potential Conflicts of Interest Disclosure

Subcontractor Name		
Legal Address		
City, State, Zip		
Telephone Number	Email Address	Fax Number (if available)

Disclosure of the information contained in this Form is required by Section 50-35 of the Code (30 ILCS 500). Subcontractors desiring to enter into a subcontract of a State of Illinois contract must disclose the financial information and potential conflict of interest information as specified in this Disclosure Form. This information shall become part of the publicly available contract file. This Form A must be completed for subcontracts with a total value of $50,000 or more, from subcontractors identified in Section 20-120 of the Code, and for all open-ended contracts. **A publicly traded company may submit a 10K disclosure (or equivalent if applicable) in satisfaction of the requirements set forth in Form A. See Disclosure Form Instructions.**

The current annual salary of the Governor is $177,412.00.

DISCLOSURE OF FINANCIAL INFORMATION

1. Disclosure of Financial Information. The individual named below has an interest in the SUBCONTRACTOR (or its parent) in terms of ownership or distributive income share in excess of 5%, or an interest which has a value of more than 60% of the annual salary of the Governor. **(Make copies of this form as necessary and attach a separate Disclosure Form A for each individual meeting these requirements)**

FOR INDIVIDUAL (type or print information)

NAME: _____

ADDRESS _____

_____

Type of ownership/distributable income share:

stock _____ sole proprietorship _____ Partnership _____ other: (explain on separate sheet):

% or $ value of ownership/distributable income share: _____

2. Disclosure of Potential Conflicts of Interest. Check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If the answer to any question is "Yes", please attach additional pages and describe.

(a) State employment, currently or in the previous 3 years, including contractual employment of services.
Yes ___ No __

If your answer is yes, please answer each of the following questions.

1. Are you currently an officer or employee of either the Capitol Development Board or the Illinois State Toll Highway Authority? Yes ___ No __

2. Are you currently appointed to or employed by any agency of the State of Illinois? If you are currently appointed to or employed by any agency of the State of Illinois, and your annual salary exceeds 60% of the annual salary of the Governor, provide the name the State agency for which you are employed and your annual salary. _____
_____

3. If you are currently appointed to or employed by any agency of the State of Illinois, and your annual salary exceeds 60% of the annual salary of the Governor, are you entitled to receive (i) more than 7 1/2% of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of 100% of the annual salary of the Governor?
   Yes ___No __

4. If you are currently appointed to or employed by any agency of the State of Illinois, and your annual salary exceeds 60% of the annual salary of the Governor, are you and your spouse or minor children entitled to receive (i) more than 15 % in the aggregate of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of two times the salary of the Governor? Yes ___No __

(b) State employment of spouse, father, mother, son, or daughter, including contractual employment services in the previous 2 years.
   Yes ___No __

If your answer is yes, please answer each of the following questions.

1. Is your spouse or any minor children currently an officer or employee of the Capitol Development Board or the Illinois State Toll Highway Authority? Yes ___No __

2. Is your spouse or any minor children currently appointed to or employed by any agency of the State of Illinois? If your spouse or minor children is/are currently appointed to or employed by any agency of the State of Illinois, and his/her annual salary exceeds 60% of the annual salary of the Governor, provide the name of your spouse and/or minor children, the name of the State agency for which he/she is employed and his/her annual salary. _____
   _____

3. If your spouse or any minor children is/are currently appointed to or employed by any agency of the State of Illinois, and his/her annual salary exceeds 60% of the annual salary of the Governor, are you entitled to receive (i) more than 71/2% of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of of 100% of the annual salary of the Governor? Yes ___No __

4. If your spouse or any minor children are currently appointed to or employed by any agency of the State of Illinois, and his/her annual salary exceeds 60% of the annual salary of the Governor, are you and your spouse or minor children entitled to receive (i) more than 15 % in the aggregate of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of two times the salary of the Governor?
   Yes ___No __

(c) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years. Yes ___No __

(d) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter. Yes ___No __

(e) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of the expenses incurred in the discharge of that office currently or in the previous 3 years. Yes ___No __

(f) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter. Yes ___No __

(g) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.
   Yes ___No __

(h) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter. Yes ___ No __

(i) Compensated employment, currently or in the previous 3 years, by any registered election or reelection committee registered with the Secretary of State or any county clerk of the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.
Yes ___ No __

(j) Relationship to anyone; spouse, father, mother, son, or daughter; who was a compensated employee in the last 2 years by any registered election or re-election committee registered with the Secretary of State or any county clerk of the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.
Yes ___ No __

---

3 Communication Disclosure.

Disclose the name and address of each lobbyist and other agent of the bidder or offeror who is not identified in Section 2 of this form, who is has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. This disclosure is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract. If no person is identified, enter "None" on the line below:

Name and address of person(s): _____

_____

_____

_____

RETURN WITH SUBCONTRACT

4. Suspension or Debarment Disclosure. For each of the persons identified under Sections 2 and 3 of this form, disclose whether any of the following has occurred within the previous 10 years: suspension or debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. This disclosure is a continuing obligation and must be promptly supplemented for accuracy throughout the procurement process and term of the contract. If no person is identified, enter "None" on the line below:

Name of person(s): _____

Nature of disclosure: _____

_____

_____

_____

APPLICABLE STATEMENT

This Disclosure Form A is submitted on behalf of the INDIVIDUAL named on previous page. Under penalty of perjury, I certify the contents of this disclosure to be true and accurate to the best of my knowledge.

Completed by: ☐ _____ _____

Signature of Individual or Authorized Representative — Date

NOT APPLICABLE STATEMENT

Under penalty of perjury, I have determined that no individuals associated with this organization meet the criteria that would require the completion of this Form A.

This Disclosure Form A is submitted on behalf of the CONTRACTOR listed on the previous page.

☐ _____ _____

Signature of Authorized Representative — Date

The bidder has a continuing obligation to supplement these disclosures under Sec. 50-35 of the Code.

RETURN WITH SUBCONTRACT

ILLINOIS DEPARTMENT OF TRANSPORTATION

Form B
Subcontractor: Other Contracts & Financial Related Information Disclosure

Subcontractor Name		
Legal Address		
City, State, Zip		
Telephone Number	Email Address	Fax Number (if available)

Disclosure of the information contained in this Form is required by Section 50-35 of the Code (30 ILCS 500). This information shall become part of the publicly available contract file. This Form B must be completed for subcontracts with a total value of $50,000 or more, from subcontractors identified in Section 20-120 of the Code, and for all open-ended contracts.

DISCLOSURE OF OTHER CONTRACTS, SUBCONTRACTS, AND PROCUREMENT RELATED INFORMATION

1. Identifying Other Contracts & Procurement Related Information. The SUBCONTRACTOR shall identify whether it has any pending contracts, subcontracts, including leases, bids, proposals, or other ongoing procurement relationship with any other State of Illinois agency: Yes ___ No __
If "No" is checked, the subcontractor only needs to complete the signature box on this page.

2. If "Yes" is checked. Identify each such relationship by showing State of Illinois agency name and other descriptive information such as bid or project number (attach additional pages as necessary). SEE DISCLOSURE FORM INSTRUCTIONS:

THE FOLLOWING STATEMENT MUST BE CHECKED

☐ _____ _____
Signature of Authorized Officer Date

OWNERSHIP CERTIFICATION

Please certify that the following statement is true if the individuals for all submitted Form A disclosures do not total 100% of ownership

Any remaining ownership interest is held by individuals receiving less than $106,447.20 of the bidding entity's or parent entity's distributive income or holding less than a 5% ownership interest.

☐ Yes ☐ No ☐ N/A (Form A disclosure(s) established 100% ownership)

STANDARD SPECIFICATIONS

The "Standard Specifications for Road and Bridge Construction," prepared by the Department of Transportation of the State of Illinois and adopted by said Department, April 1, 2016; as amended and supplemented by the "Supplemental Specifications and Recurring Special Provisions," adopted January 1, 2018 (hereinafter referred to collectively as "Standard Specifications"), are incorporated by reference and made a part of this Contract for the Vermilion River, Danville Dam Removal and Bank Stabilization, Vermilion County, FR-441. (The Standard Specifications can be purchased from the Illinois Department of Transportation or downloaded from their web site.)

SPECIAL PROVISIONS

The following Special Provisions supplement the Standard Specifications, the latest edition of the “Manual on Uniform Traffic Control Devices for Streets and Highways,” the “Manual of Test Procedures for Materials” in effect on the date of invitation for bids, and the Supplemental Specifications and Recurring Special Provisions indicated on the Check Sheet included herein which apply to and govern the construction of the “Vermilion River, Danville Dam Removal and Bank Stabilization, Vermilion County, FR-441” project, and in the case of conflict with any part, or parts, of said Specifications, the said Special Provisions shall take precedence and shall govern.

CONTRACT FR441

INDEX
FOR
SUPPLEMENTAL SPECIFICATIONS
AND RECURRING SPECIAL PROVISIONS

Adopted January 1, 2018

This index contains a listing of SUPPLEMENTAL SPECIFICATIONS, frequently used RECURRING SPECIAL PROVISIONS, and LOCAL ROADS AND STREETS RECURRING SPECIAL PROVISIONS.

ERRATA Standard Specifications for Road and Bridge Construction
(Adopted 4-1-16) (Revised 1-1-18)

SUPPLEMENTAL SPECIFICATIONS

CHECK SHEET
FOR
RECURRING SPECIAL PROVISIONS

The following RECURRING SPECIAL PROVISIONS indicated by an "X" are applicable to this contract and are included by reference:

RECURRING SPECIAL PROVISIONS

CHECK SHEET
FOR
LOCAL ROADS AND STREETS RECURRING SPECIAL PROVISIONS

The following LOCAL ROADS AND STREETS RECURRING SPECIAL PROVISIONS indicated by an "X" are applicable to this contract and are included by reference:

LOCAL ROADS AND STREETS RECURRING SPECIAL PROVISIONS

SPECIAL PROVISIONS
Danville Dam Removal and Bank Stabilization

SPECIAL PROVISIONS
Danville Dam Removal and Bank Stabilization

GENERAL

The following Special Provisions supplement the *"Standard Specifications for Road and Bridge Construction" (Standard Specifications)*, and the "*Supplemental Specifications and Recurring Special Provisions"* latest edition. These Special Provisions included herein apply to and govern the proposed improvements designated as the DANVILLE DAM REMOVAL and in case of conflict with any part or parts of said specifications; said Special Provisions shall take precedent and shall govern.

In case of conflict between any article of Section 100 of the Standard Specifications and the Instructions to Bidders in these documents, these Special Provisions shall prevail.

LOCATION OF IMPROVEMENT

The Danville Dam is located in Danville, Vermilion County, Illinois at Latitude: 40.1223° N, Longitude: 87.6316° W. The dam is owned by the City of Danville. The dam is located on the Vermilion River approximately 1300 feet downstream of the U.S. Route 150 bridge over the Vermilion River. It is located in Section 8, Township 19 North, Range 11 West. Site access is from a parking lot on the east side of U.S. Route 150 (South Gilbert Street) just north of its intersection with Bluff Street.

DESCRIPTION OF THE IMPROVEMENT

The Work generally includes (but is not limited to) furnishing all labor, materials, tools, equipment and supervision necessary to:

1. Provide and maintain necessary site soil erosion and sediment control for proposed construction area.
2. Remove existing dam as represented in construction plans.
3. Remove existing debris from various locations as shown in the plans.
4. Provide and place suitable material for channel bank stabilization and stone toe stabilization
5. Maintain and restore site as shown on plans.

The CONTRACTOR shall perform all work indicated or implied in the Contract Documents. All work not specified, but required to complete the project in a satisfactory manner, shall be performed by the CONTRACTOR. All items of work not listed in the Bid Items shall be considered as incidental work to the Contract and no additional compensation will be allowed. The project includes all incidental and collateral work required for the completion of the project in accordance with the requirements of the Contract Documents.

PLANS AND DRAWINGS

The work to be done is shown on the drawings entitled “Vermilion River, Danville Dam Removal and Bank Stabilization, Vermilion County, FR-441, 2018”.

DEFINITION OF TERMS

In the application of the Standard Specifications, the Recurring Special Provisions, the BDE Special Provisions, and the GBSP Special Provisions to this Contract, references to the Department of Transportation shall be interpreted to mean the Department of Natural Resources, Office of Water Resources, Division of Capital Programs (Department); except that references to the Department of Transportation within Section 102 - Advertisement, Bidding, Award, and Contract Execution, and references to Department publications - shall continue to mean the

Department of Transportation. References to the Division of Highways shall be interpreted to mean the Department of Natural Resources; Office of Water Resources; Division of Capital Programs.

Wherever the word “Engineer” is used, it shall mean the Director of the Office of Water Resources of the Department of Natural Resources of the State of Illinois: or his authorized representative limited by the particular duties entrusted to him, nominally the Manager of the Division of Capital Programs or his delegated representative.

Wherever the words “Right of Way” are used, it shall mean a general term denoting land, property, or interest therein, usually a strip, acquired for or devoted to water resource projects.

Wherever the words “Central Bureau of Construction” or District Office” are used, it shall mean the Department of Natural Resources, Office of Water Resources, Division of Capital Programs.

The advertising for Bids, Prequalification of Bidders, Issuance of Proposals, Proposal Guarantee, and Acceptance and Opening of Bids shall be in accordance with the policies and procedures of the Illinois Department of Transportation. Proposals, Schedule of Prices, Signature Sheet and other bidding or contract requirements as utilized by the Department of Natural Resources; Office of Water Resources; Division of Capital Programs shall apply to this contract.

In addition to the definitions included in Section 101 of the *Standard Specifications for Road and Bridge Construction* and the above definition of terms, the following shall be added:

OWNER:	City of Danville, Illinois
LANDOWNER(S):	City of Danville, Illinois and Illinois Department of Transportation

LABOR

The laborers shall be supplied with all the necessary equipment by CONTRACTOR to perform the work as described in the contract documents to the satisfaction of the ENGINEER.

The Foreman shall be present each day the work is being performed. This individual shall work closely with the ENGINEER. He/she shall be expected to keep the crew working in an efficient and safe manner, make sure the proper equipment is available and in good working order when needed by the crew, be able to answer any questions the crew might have, agree or disagree to the total hours of labor, equipment, and materials at the end of each working day. Each piece of equipment needs to be operated by a classified equipment operator.

Truck drivers will be needed to transport materials etc. They shall be held responsible to see that the materials they are transporting are contained and not falling out of the bed onto roads and/or onto private property.

PROJECT MILESTONE MANDATORY MEETINGS

For Project coordination, satisfactory CONTRACTOR performance, and clarification of the requirements of the Contract Documents inclusive of the following Special Provisions, several Project Milestone Mandatory Meetings (MEETINGS) shall take place at strategic project milestones. The following MEETINGS shall be scheduled by the ENGINEER and shall include mandatory representation by the ENGINEER and CONTRACTOR:

1. Pre-construction Meeting: Overall review of Project and CONTRACTOR to submit a construction schedule.
2. Prior to Clearing and Dam Removal: On-site Review of:
   a) Areas to be Cleared
   b) Site Erosion/Sediment Control
   c) Flow Management
   d) Dam Removal Plan.
3. Prior to moving or final removal of floating turbidity curtain: On-site Review of bank stabilization and restoration, and Project Closeout.

TIME LIMIT

Time Limit for work. The CONTRACTOR's attention is called to the fact that the appropriation for the current fiscal year, from which the cost of this contract will be paid, will lapse at the end of the fiscal year, which is June 30. Continuation of this contract into the next fiscal year will be contingent upon the Illinois General Assembly reappropriating funds for this contract. If funds are not reappropriated, this contract will be terminated on or before the appropriation lapse date.

COMPLETION DATE

In addition to the requirements of the Contract and Article 108.05(b) of the Standard Specifications, the following shall apply.

CONTRACTOR expressly acknowledges that the Work must be completed in strict conformance with the deadlines specified herein. Notwithstanding anything in the Contract Documents to the contrary, CONTRACTOR shall complete the work by December 31, 2018 and be governed by the terms and conditions defined in the General Conditions.

CONTRACT CLAIM

The following provision shall be substituted in Article 109.09 of the Standard Specifications.

(1) The section titled "(e) Procedure." shall be as follows:

(e) Procedure.

All claims must be submitted to the Manager, Division of Capital Programs. The CONTRACTOR may request an opportunity to present the claim verbally at each of the following levels if the claim has not been satisfactorily resolved at the previous level.

(a) Manager, Division of Capital Programs
(b) Director of Water Resources

All requests for presentation must be made through the Manager, Division of Capital Programs. Requests by the CONTRACTOR to present a claim at the second level will be accompanied by two additional copies of the claim with addenda.

Full compliance by the CONTRACTOR with the provisions of this Special Provision is a contractual condition precedent to the CONTRACTOR's right to seek relief in the Court of Claims. The Director's written decision shall be deemed a final action of the Department. Unless the CONTRACTOR files a claim for adjudication by the Court of Claims within 60 days after the date of the written decision, the failure to so file shall constitute a release and waiver of the claim.

VALUE ENGINEERING PROPOSALS

Replace Section (a) of Article 104.07 of the Standard Specifications with the following:

(a) Proposal Submittals. Value Engineering Proposals shall be submitted in two phases as follows:

(1) Concept Phase. Prior to the submittal of any Value Engineering Proposal, the CONTRACTOR shall submit a brief summary outlining the concept of the proposal to the Division of Capital Programs. Within five working days after receipt of the proposal concept, the Department will notify the CONTRACTOR as to whether or not the proposal concept qualifies for consideration as Value Engineering. If it appears, based on the concept, that the actual proposal will require a review period exceeding the normal review period, as outlined below, the CONTRACTOR will be so advised. Approval of the concept does not constitute or imply approval of the subsequent submittal of the complete Value Engineering Proposal.

(2) After the concept has been approved, the CONTRACTOR, if electing to proceed with submittal of the complete Value Engineering Proposal, shall submit the proposal to the Division of Capital Programs for review. Provided the proposal is complete and contains all the required information for review, the Manager of the Division of Capital Programs will notify the CONTRACTOR, within 10 working days after receipt of the proposal, as to the acceptability of the proposal, unless additional review time has been established as noted in the concept review process.

TRAFFIC CONTROL AND PROTECTION

Description. This work shall consist of the furnishing, installation, maintenance, relocation, and removal of work zone traffic control and protection in accordance with section 701 of the Standard Specifications, as specified herein and on the plans, and as directed by the ENGINEER.

Access
Construction traffic must enter and exit the project area from a parking lot on the east side of U.S. Route 150 (South Gilbert Street) just north of its intersection with Bluff Street. CONTRACTOR vehicles, equipment and supplies shall be stored at the staging area identified on the plans or at locations approved by the Engineer. Any damage to equipment during movement and storage shall be the responsibility of the CONTRACTOR.

Access shall be in accordance with "Public Convenience and Safety" below and STREET CLEANING (SP-2). The CONTRACTOR shall not park any vehicles or block traffic on the public roadway and shall provide appropriate Illinois Department of Transportation (IDOT) signage for vehicles leaving and entering the site. All public roadways shall be kept clean of any debris from site work and all posted weight limits are to be respected. Damage to existing roadways as a result of CONTRACTOR activity shall be repaired in accordance with standards set by the applicable roadway authority. Costs for repairs shall be the responsibility of the CONTRACTOR.

Public Convenience and Safety
In addition to the requirements of Article 107.09 of the Standard Specifications, the CONTRACTOR shall maintain entrances to the proposed improvement. Interference with traffic movements and inconvenience to owners of abutting property and public shall be kept to a minimum. Any delays or inconveniences caused the CONTRACTOR by complying with these requirements shall be considered as incidental to the contract, and no additional compensation shall be allowed.

During all construction operations, the CONTRACTOR shall be required to provide, erect and maintain proper signage and barricades plus provide flagmen as necessary for safe traffic control.

The CONTRACTOR shall not be allowed to close any street to local traffic without the prior approval of the ENGINEER. The CONTRACTOR shall be required to provide all warning signs, barricades, traffic cones, flagmen and other appurtenances as the ENGINEER deems necessary to guarantee the safety of motorists and pedestrians for the duration of the project.

The CONTRACTOR shall restore the existing access to its original condition and grade and shall remove all temporary traffic control at the completion of construction.

Method of Measurement
This item of work will be measured on a lump sum basis.

Basis of Payment
This work will be paid for at the contract lump sum price for TRAFFIC CONTROL AND PROTECTION, SPECIAL.

STREET CLEANING

Special attention shall be paid to Section 107.15 of the Standard Specifications. If the CONTRACTOR fails to clean the pavement adjacent to the section under construction to the satisfaction of the ENGINEER at any time during the contract, the ENGINEER will notify the CONTRACTOR at which time the CONTRACTOR shall have 4 hours to respond. If the CONTRACTOR fails to respond within 4 hours, an amount of $1000.00 per incident will be deducted from any monies due the CONTRACTOR. The requirements to satisfy the conditions stated herein shall be considered as included in the contract bid prices and no extra compensation will be allowed.

MAINTENANCE OF EXISTING UTILITIES

The CONTRACTOR shall be responsible for interference with or damage to any existing utilities, such as water mains, sewers, gas mains, cable, conduit, etc., and shall repair or replace same at his own expense and with the least possible delay. The CONTRACTOR shall give prior notification to the utility companies of his intention to begin work. The CONTRACTOR shall also call J.U.L.I.E. at 1-800-892-0123 to mark the location of underground utilities (48 hours prior to commencing the work). The CONTRACTOR shall utilize a joint meet that includes the LANDOWNER and the ENGINEER. The requirements to satisfy the conditions stated herein shall be considered as included in the contract bid prices and no extra compensation shall be allowed.

DISPOSAL OF MATERIAL

The CONTRACTOR shall dispose of all surplus, unstable and unsuitable materials and organic waste as directed by the ENGINEER, including but not limited to stone, metal, logs, brush, wood chips, and other clearing debris, in such a manner that public or private property shall not be damaged or endangered. All construction and demolition debris shall be disposed of in a licensed landfill, recycled, reused, or otherwise disposed of as allowed by State or Federal solid waste disposal laws and regulations and solid waste determinations of the IEPA. Disposal of all material shall be considered included in the various pay items involved.

CONSTRUCTION STAKING

Description

This work shall consist of furnishing a construction survey crew and all necessary equipment, materials, tools, and expertise needed for construction surveying and layout. The CONTRACTOR shall be required to furnish and place construction layout stakes for this project. The ENGINEER shall provide adequate reference points and benchmarks. Any additional control points set by the ENGINEER shall be identified in the field to the CONTRACTOR and all field notes shall be kept in the office and be the property of the ENGINEER.

The CONTRACTOR shall provide field forces, equipment and material to set all additional stakes for this project, which are needed to establish reference points and any other horizontal or vertical controls, including supplementary benchmarks, necessary to secure a correct layout of the work. Stakes for line shall be set at sufficient station intervals (not to exceed 50 feet) to assure substantial conformance to the plan lines. The CONTRACTOR shall not be required to set additional stakes to locate a utility line which is not included as a pay item in the contract nor to determine property lines between private properties.

The CONTRACTOR shall be responsible for having the finished work substantially conform to the lines and dimensions called for in the plans. Any inspection or checking of the CONTRACTOR's layout by the ENGINEER and the acceptance of all or any part of it shall not relieve the CONTRACTOR of his/her responsibility to secure the proper dimensions. The CONTRACTOR shall exercise care in the preservation of stakes and benchmarks and shall have them reset at his/her expense when any are damaged, lost, displaced or removed or otherwise obliterated.

Responsibility of the ENGINEER:

a. The ENGINEER shall provide a delineation of the limits of construction. These limits shall be verified and agreed upon at the preconstruction meeting to be in conformance with the plans. Any vegetation outside of these limits shall be saved. Additional vegetation to be saved within the construction limits shall also be defined by the ENGINEER at the preconstruction meeting.

b. Where the CONTRACTOR, in setting construction stakes, discovers discrepancies, the ENGINEER shall check to determine their nature and make whatever revisions are necessary in the plans. Any additional re-staking required by the ENGINEER will be the responsibility of the CONTRACTOR. Any additional re-staking done by the CONTRACTOR will be considered incidental to this work and no extra compensation will be allowed.

c. It is not the responsibility of the ENGINEER, except as provided herein, to check the correctness of the CONTRACTOR's stakes.

Responsibility of the CONTRACTOR:

a. CONTRACTOR shall be responsible for procuring the service of an Illinois registered land surveyor, who shall report to and receive instructions from CONTRACTOR.

b. The CONTRACTOR shall establish from the given survey points and benchmarks all the control points necessary to construct the individual project elements. The CONTRACTOR shall provide the ENGINEER adequate control in close proximity to each individual element to allow adequate checking of construction operations.

c. All work shall be in accordance with normally accepted self-checking surveying practices. Field notes shall be kept in standard survey field notebooks and those books shall become the property of the ENGINEER at the completion of the project. All notes shall be neat, orderly and in an acceptable form.

Measurement and Payment

This work will be paid for at the contract lump sum price for CONSTRUCTION STAKING.

STABILIZED CONSTRUCTION ENTRANCE

Description

This work shall consist of earth excavation, hauling, furnishing materials, installation, maintenance, and subsequent removal of a stabilized pad of aggregate underlain with filter fabric as shown on the plans or directed by the ENGINEER. The stabilized construction entrance shall consist of a coarse aggregate with an underlying layer of filter fabric as shown on the plans. The coarse aggregate shall be finished in accordance with the grading and grades indicated on the plans.

The CONTRACTOR shall be responsible for maintaining the stabilized construction entrance until the completion of the Danville Dam Removal and Bank Stabilization project. Upon completion of the project, the stabilized construction entrance shall be graded smooth if necessary by the CONTRACTOR and left in place.

Materials shall be in accordance with the details/notes shown in the plans.

Method of Measurement

This work will not be measured for payment.

Basis of Payment

The cost of this work will be included with the cost of AGGREGATE FOR TEMPORARY ACCESS specified elsewhere in these special provisions.

FLOATING TURBIDITY CURTAIN

Description

This work shall consist of furnishing, installing, relocating, maintaining and removing floating turbidity curtain. The turbidity curtain shall prevent turbidity and debris from drifting downstream and collecting along the shoreline.

The turbidity curtain shall be in accordance with the details and notes in the plans.

The floating turbidity curtain shall be removed in a manner which prevents turbidity of the river.

Method of Measurement

This work shall be measured in feet before the installation of the floating turbidity curtain. Replacement if required and relocation of the floating turbidity curtain will not be measured for payment.

Basis of Payment

The price shall include all labor and materials required to furnish, install, maintain, replace, relocate

and remove as described herein or as directed by the ENGINEER. Replacement, as needed during the duration of the project and relocation from the phase 1 location to the phase 2 location shall be incidental to this work. Work shall be paid for at the contract unit price per foot for FLOATING TURBIDITY CURTAIN, TYPE 2

EROSION CONTROL BLANKET

This work shall be done in accordance with Section 251 of the Standard Specifications, except as modified herein or on the plans.

251.02 Materials. Add the following to the end of the Article:
"Note 1. Erosion Control Blanket shall be BioNet S75BN as manufactured by Tensar North American Green (www.tensarnagreen.com), or approved equal. Netting shall be biodegradable and leno woven to allow individual strand movement. No nylon netting will be allowed."

CAUSEWAY

Description
This work shall consist of furnishing all materials, labor and equipment necessary to construct, maintain, remove, redistribute and/or dispose of in-stream causeways to allow: removal of the Danville Dam, removal of a pier and debris just upstream of the dam, removal of debris from beneath the U.S. Route 150 bridge over the Vermilion River and to allow debris removal and bank stabilization on the north side of the channel.

Construction Requirements
These causeways shall be constructed of materials and methods as shown in the plans or as approved by the ENGINEER. Upon removal, the causeway material may be used to fill the void from the dam removal as shown on the plans and/or as approved by the ENGINEER. It may also be used as a base beneath the deeper areas of riprap along the west bank as long as the top layer of Stone Dumped Riprap, Class A4 is no less than 16 inches thick and the toes are comprised entirely of Stone Dumped Riprap, Class A4.

Method of Measurement
Causeways shall be measured for payment as each in place.

Basis of Payment
This work will be paid for at the contract unit price per each for CAUSEWAY.

STONE DUMPED RIPRAP, CLASS A4

Description
This work shall be in accordance with Section 281 of the Standard Specifications as modified below, as shown in the plans and as directed by the ENGINEER.

Construction Requirements
This project includes areas where the riprap is used to fill in/flatten/transition side slopes. In these areas, the riprap thickness can be substantial. If the CONTRACTOR chooses, and if the concrete from the various removal locations on the project can be broken to meet the requirements of Article 1005.02 of the standard specifications for gradation RR 4, the broken concrete may be used beneath the Stone Dumped Riprap, Class A4 in place of stone dumped riprap at locations where at least a 16 inch thick layer of Stone Dumped Riprap, Class A4 can be place on the top. The existing channel has likely eroded since the last survey that was performed. Layout of Stone Dumped Riprap, Class A4 may be varied in the field to suit ground conditions as directed by the ENGINEER.

The following revisions shall be made to Section 281 of the Standard Specifications:

Revise Article 281.06 to read:

Method of Measurement. This work will be measured for payment in cubic yards in place. Sufficient cross sections shall be taken after bed preparation and after riprap placement to

accurately quantify the total number of cubic yards of riprap placed. If removed causeway material is used to fill in deep locations of riprap as allowed in the Causeway special provision, the "after bed preparation" cross sections will be taken after placement of the causeway material so the Causeway material will not be included in the volume of Stone Dumped Riprap, Class A4.

Filter Fabric will be measured for payment according to Article 282.08.

Revise Article 281.07 to read:

Basis of Payment. This work will be paid for at the contract unit price per cubic yard for STONE DUMPED RIPRAP, CLASS A4. This pay item will be used to pay for STONE DUMPED RIPRAP, CLASS A4 and for broken concrete riprap as specified above if the CONTRACTOR so chooses.

Filter Fabric will be paid for according to Article 282.09

DAM AND CONCRETE PIER REMOVAL

Description
This work shall consist of the removal and the disposal of the existing Danville Dam and two concrete piers just upstream of the dam as indicated on the plans and as specified herein.

Construction Requirements

I. General. It is believed that the existing dam consists of a concrete ogee on a concrete apron. There are existing sluice gates along the dam. The bottom elevation of the existing dam and piers is unknown. If the concrete is deeper than elevation 504.00, the bottom limit for payment for concrete removal shall be elevation 504.00. If the bottom of the concrete is higher than elevation 504.00, the bottom limit for payment for concrete removal shall be the bottom of the existing concrete. If bedrock is encountered at or above elevation 504.00, concrete removal shall not be deeper than the surrounding bedrock elevation.

II. The CONTRACTOR shall submit a demolition plan to the Engineer for approval, including the proposed methods of demolition and the location(s) and type(s) of equipment to be used for the removal of the existing dam.

III. The CONTRACTOR is reminded that in accordance with condition number 7 on page 8 of the Authorization for Incidental Take and Implementing Agreement included in the Construction Procedures special provision, "The detonation of underwater explosive charges during bridge pier and dam removal is prohibited. If above-water explosive charges are to be used in bridge pier demolition; demolition of the piers shall precede demolition of the dam, since protected species are less likely to be present in the pool while the dam remains in place. To minimize fish mortality in this Illinois Natural Area Inventory Site, appropriate means shall be used to attempt to displace fish from the area prior to the detonation of any explosive charge." See referenced document for further instructions.

IV. The CONTRACTOR shall control the runoff water generated by the various construction activities in such a manner as to minimize, to the maximum extent practicable, the discharge of construction debris into adjacent waterways, and shall properly dispose of the solids generated according to Section 202.03 of the Standard Specifications. Runoff water shall not be allowed to constitute a hazard on adjacent waterways and drainage areas, nor be allowed to erode existing slopes.

V. Upon removal of the dam, it is the responsibility of the CONTRACTOR to restore the river bed to provide a natural transition upstream to downstream in the area of the removal as directed by the ENGINEER. The riprap material from the causeway may be used to fill the voids left due to the removal of the dam and /or channel excavation, and may be used as a base beneath the deeper portions of stone dumped riprap. Any causeway material in excess of that required to achieve the above referenced work shall

be removed and disposed of.

VI. If the CONTRACTOR desires and the ENGINEER approves, the CONTRACTOR may break the concrete rubble to meet RR4 riprap gradation, remove any protruding rebar/wire fabric, etc., and use the broken concrete beneath the deeper areas of riprap.

Method of Measurement
The removal and disposal of the dam and appurtenances and bridge piers shall be measured by cubic yards of concrete and/or metal removed based upon existing dam and pier dimensions measured in the field.

Basis of Payment
Removal and disposal of the existing dam will be paid for at the contract unit price per cubic yard for CONCRETE REMOVAL.

The price shall include all costs necessary to complete the work specified herein and as shown on the plans.

The cost of restoration of the river bed and grading/removal/disposal of the causeway shall be considered included in the cost of the CAUSEWAY which is specified elsewhere.

RESTORATION

Description
All site access roads and staging area number 2 are to remain at project completion. They shall be regraded/repaired as necessary to leave them in a smooth usable condition as approved by the ENGINEER. Staging area number 2 and any other onsite areas (i.e. access roads), etc. disturbed by CONTRACTOR activities shall be restored per the instructions of the Final Engineering Plans, Special Provisions, Standard Specifications or at the direction of the ENGINEER. Restoration shall be performed to the satisfaction of the ENGINEER at no additional cost. Any restoration required for offsite areas (local roads, R.O.W.s, etc.) as a result of CONTRACTOR negligence, shall also be performed at the request and satisfaction of the ENGINEER, without additional compensation. Final payment shall not be released until all areas disturbed by CONTRACTOR have been restored to the satisfaction of the ENGINEER.

Method of Measurement
This work shall not be measured for payment.

Basis of Payment
No separate payment shall be made for restoration. Cost of restoration shall be included in the cost for AGGREGATE FOR TEMPORARY ACCESS.

WOOD INFORMATION SIGNS

Description. This work shall consist of furnishing, fabricating, installing and subsequent removal and disposal of the wood information signs at the locations shown in the plans or as directed by the Engineer.

General Requirements
The posts shall be installed in a vertical hole not exceeding 12 inches in diameter and not less than three feet deep. The posts shall be centered in the holes and then backfilled with CA6 thoroughly tamped in 12 inch lifts. The post material shall be according to the details shown in the plans and as described in Article 1007.05 of the Standard Specifications.

The signs shall be plumb at all times throughout the duration of the project and readjusted as directed by the Engineer.

Method of Measurement
Wood information signs will be measured for payment per Each.

Basis of Payment
This work will be paid for at the contract unit price per Each for WOOD INFORMATION SIGNS.

SEEDING, MULCHING AND FERTILIZING

Description
This work shall consist of preparing the seed bed, and furnishing, transporting, and placing fertilizer, seed, mulch, and other materials required in the seeding operation for the area within the limits as shown on the plans including the slope of the ditches and all other areas disturbed by the Contractor's operation except where other surfacing is required, in accordance with plans, specifications, and as required by the Engineer.

Seed Bed Preparation
Seed bed preparation shall not be started until all stones, boulders, debris, and similar material larger than 3 inches in diameter have been removed. The area to be seeded shall be worked to a minimum depth of 3 inches with a disk or other equipment approved by the Engineer, reducing all soil particles to a size not larger than 2 inches in the largest dimension. The prepared surface shall be relatively free from all weeds, clods, stones, roots, sticks, rivulets, gullies, crusting and caking. No seeds shall be sown until the seed bed has been approved by the Engineer.

Fertilizer
Fertilizer having an analysis of 10-6-4, or having a different analysis but still meeting the 5-3-2 ratio requirement, shall be applied at such a rate that each acre to be seeded shall receive a total of 240 pounds of the 3 nutrients. The Engineer may increase or decrease the amount of nutrients required per acre. Fertilizer shall be spread over the seeding area before completion of the ground preparation and incorporated in the soil as a part of the ground preparation operations. The fertilizer shall be a ready-mixed material containing the following nutrients expressed in percent of the total weight of the ready-mixed materials: 10% Nitrogen, 6% available Phosphoric Acid, and 4% water soluble Potash (10-6-4 Analysis).

The following information shall be shown on the fertilizer bags:

(1) Name and address of manufacturer;
(2) Name, brand or trademark;
(3) Number of net pounds of ready-mixed material in the package;
(4) Chemical composition of analysis;
(5) Guarantee of analysis.

Grass Seed
Grass seed shall be fresh, clean, and new crop seed having been tested within 6 months prior to the date of seeding composed of the varieties mixed in proportion by weight as shown and testing the minimum percentage of purity and germination indicated.

Seed shall have the equivalent of a minimum of 80 percent pure, live seed. When the percentage of purity multiplied by the percentage germination gives a percentage of pure, live seed less than the 80 percent, the rate of seeding shall be increased proportionately.

$$\text{Adjusted pounds per acre} = \frac{\text{Specified Pounds} \times 80}{\text{Actual Pure, Live Seed Percent}}$$

Kentucky Blue Grass	60 pounds per acre
Alta Fescue	40 pounds per acre
Timothy	20 pounds per acre
Perennial Rye Grass	20 pounds per acre
Red Top	20 pounds per acre
Total	160 pounds per acre

All seeds used shall be labeled in accordance with U.S. Department of Agricultural Rules and

Regulations under the Federal Seed Act in effect at the time of installation of the work involved under seeding operations. All seeds shall be furnished in sealed standard containers. Seed may be mixed by dealers or by approved method on the site. Weed seeds shall not exceed 0.35% by weight of the total amount supplied.

If seed is mixed by dealers, the dealer's guaranteed statement of composition of mixture and percentage of purity and germination of each variety must be furnished.

If the Contractor desires to mix the seed at the site, the operation shall be performed under the supervision of the Engineer. Individual varieties of seed must be delivered in a separate unopened original container and the dealer's guaranteed analysis for each variety must be furnished.

The seed shall be proportioned by weight properly mixed and sown by any approved method which will insure uniform distribution over the areas, except that a farm drill shall not be used. The prescribed seeding shall be sown on the following dates in the IDOT Districts specified below:

In IDOT Districts 1 through 6, the planting times shall be April 1 to June 15 and August 1 to November 1. In IDOT Districts 7 through 9, the planting times shall be March 1 to June 1 and August 1 to November 15. Seeding may be performed outside these dates provided the Contractor guarantees a minimum of 75 percent uniform growth over the entire seeded area(s) after a period of establishment. Inspection dates for the period of establishment will be as follows: Seeding conducted in Districts 1 through 6 between June 16 and July 31 will be inspected after April 15 and seeding conducted between November 2 and March 31 will be inspected after September 15. Seeding conducted in Districts 7 through 9 between June 2 and July 31 will be inspected after April 15 and seeding conducted between November 16 and February 28 will be inspected after September 15. The guarantee shall be submitted to the Engineer in writing prior to performing the work. After the period of establishment, areas not exhibiting 75 percent uniform growth shall be interseeded or reseeded, as determined by the Engineer, at no additional cost to the Department.

Spring seeding in all regions may be performed any time after the ground conditions are satisfactory to provide an acceptable seed bed preparation as explained elsewhere in this Special Provision.

No seed shall be sown during high winds or when the ground is not in a proper condition for seeding, nor shall any seed be sown until the purity test has been completed for the seed to be used, and shows that the seed meets the noxious weed seed requirements. The Engineer shall examine and then approve the equipment to be used. Prior to starting work, seeders shall be calibrated and adjusted to sow seeds at the proper seeding rate. Equipment shall be operated in a manner to insure complete coverage of the entire area to be seeded. The Engineer shall be notified 48 hours prior to beginning the seeding operations so that he can determine by trial runs that a calibration of the seeder will provide uniform distribution at the specified rate per acre. When seed or fertilizer is applied with a hydraulic seeder, the rate of application shall be not less than 1000 gallons of slurry per acre. This slurry shall contain the proper quantity of seed or fertilizer specified per acre. When using a hydraulic seeder, the fertilizer nutrients and seed shall be applied in two separate operations.

The optimum depth for seeding shall be 1/4 inch.

When construction operations have been completed after the fall seeding dates, the Contractor shall have the option of using dormant seeding or waiting until spring to apply the seeding. The dormant seeding procedure shall comply with the method explained below and shall be done at no additional expense to the contract. If the dormant seeding option is chosen, the seeding shall be at the Contractor's own risk. If dormant seeding does not provide an adequate stand of grass, the Contractor at his own expense will be required to comply with the spring seeding requirements.

Dormant Seeding

Anytime after the fall seeding dates that the soil is in a workable condition, the Contractor may

prepare the seed bed as previously described including the application of fertilizer. The mulch is then applied as provided in this Special Provision, as if the seed had been placed. Within the dates specified for dormant seeding, the Contractor will then broadcast the seed uniformly over the mulch. The seeding rates are to be increased by at least 50 percent. The Contractor will be required to include an additional 32 pounds per acre of spring oats in his dormant seeding mixture.

Mulch
All mulch material shall be non-toxic to vegetation and to the germination of seed and shall be free from the noxious weeds and weed seeds in the group classed as primary noxious weed seed in the existing Illinois Seed Law and shall be approved by the Engineer.

Straw
Straw shall be stalks of wheat, rye, oats, or other approved straw, and shall be air-dried.

Hay. Hay shall be obtained from fields of timothy, red top, mature brome grass, or other mature grasses, or from other sources approved by the Engineer. It shall be air-dried.

Mulching Seeded Areas
Within 24 hours from the time seeding has been performed, the areas shall be given a covering of mulch. On slopes steeper than 3:1 mulch shall be applied the same day as the seed.

The mulch shall be applied uniformly at the rate of approximately 2 tons per acre on seeded areas. The exact rate to be specified by the Engineer. The mulch shall be loose enough to permit air to circulate but compact enough to reduce erosion. If baled mulch material is used, care shall be taken that the material is in a loosened condition and contains no lumps or knots of compacted material. Mulching shall be anchored by pressing the straw or hay into the soil to a 2 inch depth using a serrated straight disk.

Maintenance and Repair
The Contractor shall be responsible for the proper maintenance of the seeded areas for a period of three (3) months following the planting time or after replanting if dormant seeding has not provided an adequate grass cover.

At the end of the maintenance period, all seeded areas will be inspected by the Engineer. If it is determined that certain areas must be re-seeded, through no fault of the Contractor, these areas shall be re-graded, re-fertilized, re-seeded, and re-mulched as directed by the Engineer. A final inspection will be held after the re-seeding has been completed. No additional maintenance periods will be required.

Method of Measurement
Seeding, mulching and fertilizing shall be measured to the nearest one hundredth of an acre using the full horizontal width and length of the areas as shown on the plans or as authorized by the Engineer. Deduction will be made for areas within the limit which are not required to be seeded. Dormant seeding, if acceptable, will be measured as specified above. All other work and material shall not be measured for payment but shall be considered included.

Basis of Payment
This work will be paid at the contract unit price per acre as measured above for SEEDING, MULCHING, AND FERTILIZING, measured as specified. Any re-seeding required as directed by the Engineer, that is not required elsewhere in this special provision, shall be measured and paid for at the contract unit price for SEEDING, MULCHING, AND FERTILIZING.

CLEARING AND TREE REMOVAL

Description
This work shall consist of clearing and removing trees in accordance with section 201 of the Standard Specifications and as modified by this special provision.

General

All the trees within the working limits have been cut down by others, but the stumps have not been removed and the trees have been left in piles around the site. The CONTRACTOR shall perform any other clearing work necessary and remove and dispose of the fallen trees and the stumps from within the working limits. Stumps remaining on slopes shall be cut off at ground level and shall remain.

Method of Measurement
Clearing and Tree Removal will be measured for payment in accordance with Art. 201.10 (b) (2)

Basis of Payment
Clearing and Tree Removal will be paid for at the contract unit price per acre for CLEARING AND TREE REMOVAL

DEBRIS REMOVAL

Description
This work shall consist of removal and disposal, and/or recycling of debris to be removed from several locations on the site as shown in the plans.

General
Removal shall be in accordance with the appropriate parts of Section 501 of the Standard Specifications. Disposal shall be in accordance with Article 202.03 of the Standard Specifications. It is believed that the majority of the debris is concrete or reinforced concrete. At the CONTRACTOR's option, he/she may demolish the concrete to meet a gradation of RR4 riprap, remove any protruding objects from the broken concrete, and place the broken concrete beneath the deeper areas of proposed Stone Dumped Riprap. All other debris shall be disposed of. There are a number of large pieces of concrete that will need to be demolished somewhat before removal, including but not limited to: part of the failed abutment and other miscellaneous structures along the north side of the river, and six large monoliths just south of the south end of the dam.

Method of Measurement
Debris Removal will be measured for payment in place and the volume computed in cubic yards.

Basis of Payment
The work will be paid at the contract unit price per cubic yard for DEBRIS REMOVAL. If the CONTRACTOR chooses to recycle the material to RR4 gradation and utilize it on site, the removal and demolition will be paid at the contract unit price per cubic yard for DEBRIS REMOVAL and the placement in place of STONE DUMPED RIPRAP, CLASS A4 will be paid at the contract unit price per cubic yard for STONE DUMPED RIPRAP, CLASS A4.

ORGANIC DEBRIS REMOVAL

Description
This work shall consist of removal and disposal of organic debris (mostly logs and brush) that is deposited and/or floating in the vicinity of the bridge pier to be removed just upstream of the dam as shown in the plans.

General
Any organic debris at the above referenced location shall be removed as shown in the plans and/or as directed by the ENGINEER. Disposal shall be in accordance with Article 202.03 of the Standard Specifications.

Method of Measurement
Organic Debris Removal will be measured for payment in cubic yards.

Basis of Payment
The work will be paid at the contract unit price per cubic yard for ORGANIC DEBRIS REMOVAL.

CONSTRUCTION PROCEDURES/PERMITS

The CONTRACTOR's attention is directed to the fact that the IDNR/Office of Water Resources (OWR), the U.S. Army Corps of Engineers (USACE), and the Illinois Environmental Protection Agency (IEPA) have issued permits for this project. The Storm Water Pollution Prevention Plan and the Notice of Intent form for the National Pollutant Discharge Elimination System Permit are also attached. The CONTRACTOR is required to obtain and submit to the OWR any and all other permits for construction required by local ordinances, state and/or federal laws. Any fees required for the procurement of other permits which may be necessary shall be at the expense of the CONTRACTOR, not to be reimbursed by the State, but to be considered included in the various items of work. These permits/documents are included in this special provision. These permits/documents contain certain requirements which may affect the construction of this project. It will be the CONTRACTOR's responsibility to familiarize himself/herself with the requirements of the abovementioned permits/documents and conduct his/her work in accordance with those requirements and the special provision contained herein. See the following pages for copies of the permits/documents.

In addition, the IDNR has issued an Authorization for Incidental Take and Implementing Agreement which is also included in this special provision along with a "Conservation Plan for Danville Dam Removal", and an e-mail modifying the requirements such that mussel and fish relocation and salvage within the project area may take place after dewatering has occurred. These documents contain many procedures and restrictions that the CONTRACTOR is required to follow. In addition to the requirements stated in the documents, the CONTRACTOR will be required to make a payment of $5,000.00 to the Illinois Natural History Survey (INHS) for their assistance in the required endangered mussel relocation. This should be the only payment that the CONTRACTOR will be required to make to the agencies referenced in the ITA agreement.

Should the CONTRACTOR desire to use materials, construction methods, or procedures which differ substantially from those authorized by the above referenced permits/documents, it is the responsibility of the CONTRACTOR to obtain approved amendments to same. All costs incurred by the CONTRACTOR in complying with the applicable requirements of the abovementioned permits/documents, including the required payment to the INHS shall be considered as completely covered by the contract unit prices bid for the various items of work in the proposal.

ILLINOIS
NATURAL RESOURCES

Illinois Department of
Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

March 29, 2016

SUBJECT: Permit No. DS2016020
Dam Removal and Bank Stabilization
Danville Dam
Vermilion County

City of Danville
Attn: Mayor Scott Eisenhauer
17 West Main Street
Danville, IL 61832

Illinois Dept. of Natural Resources
Attn: Rick Gosch
1 Natural Resources Way
Springfield, IL 62702-1271

Gentlemen:

Enclosed is Illinois Department of Natural Resources, Office of Water Resources Permit No. DS2016020 authorizing the subject project.

This permit does not supersede any other federal, state or local authorizations that may be required for the project.

If any changes to project are found necessary, revised plans should be submitted promptly to this office for review and approval.

Please feel free to contact me at 217/782-4427 if you have any questions concerning this authorization.

Sincerely,

Paul Mauer, Jr., P.E.
State Dam Safety Engineer

PM:cjp

Enclosure

PERMIT NO. DS2016020
DATE: March 29, 2016

State of Illinois

Department of Natural Resources, Office of Water Resources

Permission is hereby granted to:

City of Danville
17 West Main Street
Danville, IL 61832

Illinois Department of Natural Resources
1 Natural Resources Way
Springfield, IL 62702-1271

to remove Danville Dam, a small size, Class III dam, located on The Vermilion River in Section 8, Township 19 North, Range 11 West of the 2nd Principal Meridian in Vermilion County, in accordance with an application dated December 15, 2014. The plans and specifications are entitled:

VERMILION RIVER
DANVILLE DAM REMOVAL AND BANK STABILIZATION
VERMILION COUNTY
FR-441
2016

Examined and Recommended:

Paul Mauer, Jr., P.E.
State Dam Safety Engineer

Approval Recommended:

Daniel A. Injerd, Director
Office of Water Resources

Approved:

Wayne A. Rosenthal, Director
Department of Natural Resources

This PERMIT is subject to the terms and special conditions contained herein.

THIS PERMIT IS SUBJECT TO THE FOLLOWING 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 the permittee or recognize title of the 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 activity or any part thereof will be located, or otherwise grant to the 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 the permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.

4) This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approvals from any federal or other state agency to do the work, 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. If the permittee fails to remove such structures or materials, the Department may have removal made at the expense of the permittee. If the construction is on a public body of water and if future need for public navigation or other public interest 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 the permittee's successors as required by the Department 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) The execution and details of the work authorized shall be subject to the review and approval of the Department. Department personnel shall have the right of access to accomplish this purpose.

7) The permitee shall file with the Department a properly executed acceptance of all terms and conditions of the permit within sixty (60) days of receipt of the permit; however, starting work on the activity authorized will be considered full acceptance by the permittee of the terms and conditions of the permit.

8) The Department in issuing this permit has relied upon the statements and representations made by the permittee; if any substantive statement or representation made by the permittee is found to be false, the permit may be revoked at the option of the Department; and when a permit is revoked all rights of the permittee under the permit are voided.

9) If the project authorized by this permit is located in or along Lake Michigan or a meandered lake, the permittee and the permittee's successors shall make no claim whatsoever to any interest in any accretions caused by the project.

10) In issuing this permit, the Department does not ensure the adequacy of the design or structural strength of the structure or improvement.

11) Noncompliance with the conditions of this permit will be considered grounds for revocation.

THIS PERMIT IS SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

SPECIAL CONDITIONS
CITY OF DANVILLE -IDNR
DANVILLE DAM
DS2016020

a. If the construction activity permitted is not completed on or before December 31, 2019, this permit shall cease and be null and void.

b. There shall be no change from the plans submitted and hereby approved unless the proposed change in plans shall first have been submitted to and approved, in writing, by the State of Illinois acting by and through its Department of Natural Resources, Office of Water Resources.

c. The Permittee grants the Department of Natural Resources, Office of Water Resources, the right of access to inspect the dam site and immediate vicinity beginning from the date of this permit and ending 10 years after the completion of the project.

d. When construction has been completed, the Permittee shall provide the Department of Natural Resources, Office of Water Resources with "as-built" plans and specifications marked to show all deviations from the permitted construction plans.

PERMIT ACCEPTANCE

This Acceptance must be signed and returned to the address below to validate this permit.

ILLINOIS DEPARTMENT OF NATURAL RESOURCES
OFFICE OF WATER RESOURCES
One Natural Resources Way
Springfield, Illinois 62702-1271

The undersigned permittee, personally, or if a corporation by its duly authorized officers, hereby accepts the permit bearing the above permit number subject to all conditions named therein, on this _____day of _____, 20__.

_____

By_____

By_____

If a corporation
affix seal here.

Date

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
8902 OTIS AVENUE, SUITE S106B
INDIANAPOLIS, INDIANA 46216-1055
FAX: 317-547-4526

August 21, 2015

Operations Division
Regulatory Branch (North)
ID No. LRL-2014-91-lcl

Mr. Rick Gosch
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

Honorable Scott Eisenhauer
Mayor of Danville
17 West Main Street
Danville, Illinois 61832

Dear Mr. Gosch and Mayor Eisenhauer:

This is in regard to your application dated December 15, 2014, and received on March 31, 2015, for a Department of the Army permit to authorize the proposed partial removal of the Danville Dam from the Vermilion River. Following removal of the dam, approximately 2,842 cubic yards of angular stone would be placed along 320 linear feet (lf) of the northeast bank and 270 lf of the southwest bank for stabilization. Two temporary stone causeways would be installed in the river to provide access for the work. Additionally, a temporary stone causeway would be installed upstream of the dam at the U.S. Route 150 bridge to provide access for debris removal. The project is located at Latitude: 40.1223° N, Longitude: 87.6316° W, Danville, Vermilion County, Illinois. We have reviewed the submitted data relative to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

We have determined that the proposed project is authorized under the provisions of our Nationwide Permit (NWP) 33 CFR 330 (27) for Aquatic Habitat Restoration, Establishment, and Enhancement Activities as published in the Federal Register on February 21, 2012. We do require compliance with the enclosed Terms and General Conditions of the NWP, the Water Quality Certification issued by the Illinois Environmental Protection Agency dated April 2, 2012, and the following Special Condition:

1. Tree removal is prohibited between April 1 to September 30 to prevent any adverse affect to the federally endangered Indiana bat or federally threatened Northern Long-eared bat in an occupied roost tree.

Attached to this NWP verification is a preliminary jurisdictional determination (JD), a Notification of Appeal Process (NAP) fact sheet, and Request for Appeal (RFA) form. However, a preliminary jurisdictional determination is not appealable and impacting "waters of the U.S." identified in the preliminary JD will result in you waiving the right to request an approved JD at a later date. An approved JD may be requested (which may be appealed), by contacting me for further instruction.

This authorization is valid until March 18, 2017. The enclosed Compliance Certification should be signed and returned when the project is completed.

If you have any questions concerning this matter, please contact me by writing to the above address, or by calling 317-543-9424. Any correspondence should reference our assigned Identification Number LRL-2014-91-lcl.

Sincerely,

Laban C. Lindley
Team Leader
Indianapolis Regulatory Office

Enclosures
Copy Furnished: IEPA (Heacock)

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): August 6, 2015

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Mr. Rick Gosch
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL-OPF-N, Danville Dam Removal-Vermilion River, LRL-2014-91-lcl.

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: IL County: Vermilion City: Danville

Center coordinates of site: Latitude and Longitude (NAD 83):

Latitude: 40.12226° North, Longitude: 87.63169° West

Authority: ☑ Section 404 ☑ Section 10

Name of nearest waterbody: Vermilion River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: ~500 linear feet, 240 feet wide.

Cowardin Class: Riverine

Stream Flow: Perennial

Wetlands: N/A.

Cowardin Class: N/A.

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A.

Non-Tidal: Vermilion River.

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☑ Office (Desk) Determination. Date: August 6, 2015

☑ Field Determination. Date(s): May 27, 2015

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)
- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Site construction plans and location maps.
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: *Click here to enter text.*
- ☐ Corps navigable waters' study: *Click here to enter text.*
- ☐ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite scale & quad name: Danville SW, IL 1:24K quad.
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: *Click here to enter text.*
- ☑ National wetlands inventory map(s). Cite name: USFWS NWI Maps.
- ☐ State/Local wetland inventory map(s): *Click here to enter text.*
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
- ☑ Photographs: ☑ Aerial (Name & Date): Illinois Orthophotography, 2011-2012.
- ☐ or ☑ Other (Name & Date): Site photos unknown dates.
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

8/6/15
Signature and date of Regulatory Project Manager (REQUIRED)

8/11/15
Signature and date of person requesting preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
8902 OTIS AVENUE, SUITE S106B
INDIANAPOLIS, INDIANA 46216-1055
FAX: 317-547-4526

June 1, 2017

Regulatory Division
North Branch
ID No. LRL-2014-91-lcl

Mr. Rick Gosch
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

Honorable Scott Eisenhauer
Mayor of Danville
17 West Main Street
Danville, Illinois 61832

Dear Mr. Gosch and Mayor Eisenhauer:

This is in regard to the letter of March 27, 2017, from the Illinois Department of Natural Resources requesting reauthorization for the proposed partial removal of the Danville Dam from the Vermilion River. Following removal of the dam, approximately 2,842 cubic yards of angular stone would be placed along 320 linear feet (lf) of the northeast bank and 270 lf of the southwest bank for stabilization. Two temporary stone causeways would be installed in the river to provide access for the work. Additionally, a temporary stone causeway would be installed upstream of the dam at the U.S. Route 150 bridge to provide access for debris removal. The project is located at Latitude: 40.1223° N, Longitude: 87.6316° W, Danville, Vermilion County, Illinois. We have reviewed the submitted data relative to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

We have determined that the proposed project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 53 for Removal of Low-Head Dams, 33 CFR 330 NWP No. 13 for Bank Stabilization, and 33 CFR 330 NWP No. 3 for Maintenance as published in the Federal Register on January 6, 2017. We do require compliance with the enclosed Terms and General Conditions of the NWP's, the Water Quality Certification issued by the Illinois Environmental Protection Agency dated February 27, 2017, and the following Special Condition:

1. Tree removal is prohibited between April 1 to September 30 to prevent any adverse affect to the federally endangered Indiana bat or federally threatened Northern Long-eared bat in an occupied roost tree.

This authorization is valid until March 18, 2022. Within 30 days of completing the activities authorized by this permit the enclosed Compliance Certification must be signed and returned to this office.

If you have any questions concerning this matter, please contact me by writing to the above address, or by calling 317-543-9424. Any correspondence should reference our assigned Identification Number LRL-2014-91-lcl.

Sincerely,

Laban C. Lindley
Team Leader
Indianapolis Regulatory Office

Enclosures
Copy Furnished: IEPA (Heacock)

Compliance Certification

Permit Number: LRL-2014-91-lcl

Name of Permittees: Illinois Department of Natural Resources
City of Danville

Date of Issuance: June 1, 2017

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, sign this certification and return it to the following address:

USACE - Louisville District
Indianapolis Regulatory Office
8902 Otis Avenue, Suite S106B
Indianapolis, IN 46216-1055

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

_____ _____

Signature for Permittee (Rick Gosch) Date

_____ _____

Signature for Permittee (Mayor Scott Eisenhauer) Date

FACT SHEET NO. 8(IL)

US Army Corps of Engineers
Rock Island District

NATIONWIDE PERMITS IN ILLINOIS

EFFECTIVE DATE: MARCH 19, 2017

On January 6, 2017, the Corps of Engineers published in the Federal Register (82 FR 1860), the Final Rule for the Nationwide Permits Program under the Rivers and Harbors Act of 1899; the Clean Water Act; and the Marine Protection, Research and Sanctuaries Act. These Nationwide Permits became effective on March 19, 2017.

The Nationwide Permit Program is an integral part of the Corps' Regulatory Program. The Nationwide Permits are a form of general permits issued by the Chief of Engineers and are intended to apply throughout the entire United States and its territories. A listing of the nationwide permits and general conditions is included herein. We encourage prospective permit applicants to consider the advantages of nationwide permit authorization during the preliminary design of their projects. Assistance and further information regarding all aspects of the Corps of Engineers Regulatory Program may be obtained by contacting the appropriate Corps of Engineers District at the address and/or telephone number listed on the last page of this Fact Sheet.

To ensure projects authorized by a Nationwide Permit will result in minimal adverse effects to the aquatic environment, the following **Regional Conditions** were developed for projects proposed **within the state of Illinois (See NOTE regarding the Chicago District):**

1. Stormwater management facilities shall not be located within a stream, except for NWPs 21, 44, 49, or 50.

2. For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs, a minimum of 25 feet wide from the top of bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable native species with aerial coverage of at least 50 percent shall be achieved within 3 years of establishment of the buffer strip.

3. Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.

4. For a single family residence authorized under Nationwide Permit No. 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.

5. For NWP 46, the discharge of dredged or fill material into ditches and canals that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.

6. For NWP 52, no project will be authorized within Lake Michigan. An individual permit will be required.

7. Any bank stabilization activity involving a method that protrudes from the bank contours, such as jetties, stream barbs, and/or weirs, will require a pre-construction notification in accordance with General Condition 32.

8. Mitigation shall be constructed prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States unless an alternate timeline is specifically approved in the authorization.

9. Operation of heavy equipment within the stream channel should be avoided. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and disturbance to riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities.

NOTE: The Chicago District has suspended many of the Nationwide Permits and established regional permits for work in McHenry, Kane, Lake, DuPage, Will and Cook Counties in Illinois. Information regarding Chicago District requirements can be accessed through their website at http://www.lrc.usace.army.mil/Missions/Regulatory.aspx. If you have any questions regarding the Chicago District program, please contact the Regulatory Office by telephone at 312/846-5530, or e-mail lrcregweb@usace.army.mil.

Permits, issued by the Corps of Engineers, under the authority of Section 404 of the Clean Water Act may not be issued until the state (where the discharge will occur) certifies, under Section 401 of the Act, that the discharge will comply with the water quality standards of the State. On February 27, 2017, the Illinois Environmental Protection Agency (IEPA) issued their final Section 401 Water Quality Certification decision.

DENIED NATIONWIDE PERMITS

The IEPA did not issue a generic water quality certification for the following nationwide permits which are listed by subject only:

21. Surface Coal Mining Activities
23. Approved Categorical Exclusions
31. Maintenance of Existing Flood Control Facilities
34. Cranberry Production Activities
37. Emergency Watershed Protection and Rehabilitation
48. Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities

Since Nationwide Permits 21, 23, 31, 37, 48, 49, and 50 are applicable under both Section 10 and 404, the State Section 401 certification is only required for discharges of pollutants under these nationwide permits. Section 10 work not involving discharges of dredged or fill material continues to be authorized under these nationwide permits.

Authorization for discharges covered by all the above nationwide permits is denied without prejudice. Applicants wishing to conduct such discharges must first obtain either an individual water quality certification or waiver from:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 NORTH GRAND AVENUE EAST
POST OFFICE BOX 19276
SPRINGFIELD, ILLINOIS 62794-9276

If the state certifying agency fails to act on an application for water quality certification within 60 days after receipt, the certification requirement is presumed to be waived. The applicant must furnish the District Engineer (at the appropriate address listed on the last page of the Fact Sheet) with a copy of the certification or proof of waiver. The discharge may proceed upon receipt of the District Engineer's determination that the discharge qualifies for authorization under this nationwide permit. Details of this procedure are contained in 33 CFR 330.4, a copy of which is available upon request.

Under certain circumstances, Nationwide Permits 3, 7, 8, 12, 13, 14, 17, 18, 21, 22, 23, 27, 29, 31, 33, 34, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53 and 54 require that the permittee notify the District Engineer at least 45 days prior to performing the discharge under certain circumstances. Specific instructions for these notifications are contained in General condition 32, a copy of which is included.

For all other Nationwide Permits, the IEPA issued Section 401 Water Quality Certification with conditions. General Conditions 1, 2, and 3 apply to all nationwide permits for which certification was not denied and activities require authorization under Section 404 of the Clean Water Act. Other conditions specific to a Nationwide Permit are listed at the end of the subject nationwide permit.

General Condition 1: An individual 401 water quality certification will be required for any activities permitted under these Nationwide Permits for discharges to waters designated by the State of Illinois as Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b).

General Condition 2: Projects requiring authorization under Section 404 of the Clean Water Act must implement Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts to aquatic resources during and after construction. Projects that include a discharge of pollutants to waters that have impaired water quality according to the Illinois Environmental Protection Agency's Section 303(d) list or for which there is an approved Total Maximum Daily Load (TMDL) allocation for any parameter, additional planning will be necessary to ensure that no further degradation of water quality will occur. The TMDL program information and the Agency's 303(d) list of impaired waters are available at http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/index. For waters that include an approved TMDL the applicant shall incorporate into their plans and BMPs any measures that ensure consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. The applicant must carefully document the justifications for all plans and BMPs, and install, implement and maintain BMPs that are consistent with all relevant pollutant load allocations and conditions in the TMDL implementation plan. If a TMDL has not yet been approved to address water quality impairments that are documented in the Agency's 303(d)

General Condition 3: Prior to proceeding with any work in accordance with any Nationwide Permit, potential impacts to threatened or endangered species shall be identified through use of the State's Ecological Compliance Assessment Tool (EcoCAT) at http://dnrecocat.state.il.us/ecopublic/. If potential impacts to State threatened or endangered species are identified, the Illinois Department of Natural Resources shall be consulted with.

Nationwide Permits and Conditions

The following is a list of the nationwide permits, authorized by the Chief of Engineers, and published in the Federal Register (82 FR 1860). Permittees wishing to conduct activities under the nationwide permits must comply with the conditions published in Section C. The Nationwide

Permit General Conditions found in Section C have been reprinted at the end of this Fact Sheet. The parenthetical references (Section 10, Section 404) following each nationwide permit indicate the specific authorities under which that permit is issued.

B. Nationwide Permits

1. Aids to Navigation. The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66).(Authority: Section 10 of the Rivers and Harbors Act of 1899 (Section 10))

2. Structures in Artificial Canals. Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)). (Authority: Section 10)

3. Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to Pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 3. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 3 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. 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, as determined by the Illinois EPA.

3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. The applicant for Nationwide Permit 3 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.
5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide Permit 3 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide Permit 3 shall be responsible for obtaining an NPDES Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
6. The applicant for Nationwide 3 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
8. The applicant for Nationwide 3 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities. Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This NWP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. (Authorities: Sections 10 and 404)

5. Scientific Measurement Devices. Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations. (Authorities: Sections 10 and 404)

6. Survey Activities. Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this NWP, the term ''exploratory trenching'' means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This NWP authorizes the construction of temporary pads, provided the discharge does not exceed 1/10-acre in waters of the U.S. Discharges and structures associated with the recovery of historic resources are not authorized by this NWP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this NWP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this NWP. The NWP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under section 402 of the Clean Water Act. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 6. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 6 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 6 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. Material resulting from trench excavation within surface waters of the State may betemporarily sidecast adjacent to the trench excavation provided that:
   A. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;

B. Sidecast material is not placed within ponds or other water bodies other than wetlands; and

C. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site, or used as backfill (refer to Condition 4 and 5).

4. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation. 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 a #230 U.S. sieve; or
   B. Excavation and backfilling are done under dry conditions.
5. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation. 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.
6. Temporary work pads shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
7. The applicant for Nationwide Permit 6 that uses temporary work pads in order to perform work in creeks, streams, or rivers shall maintain flow in the these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

7. Outfall Structures and Associated Intake Structures. Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)
(Authorities: Sections 10 and 404)

8. Oil and Gas Structures on the Outer Continental Shelf. Structures for the exploration, production, and transportation of oil, gas, and minerals on the outer continental shelf within areas leased for such purposes by the Department of the Interior, Bureau of Ocean Energy Management. Such structures shall not be placed within the limits of any designated shipping safety fairway or traffic separation scheme, except temporary anchors that comply with the fairway regulations in 33 CFR 322.5(l). The district engineer will review such proposals to ensure compliance with the provisions of the fairway regulations in 33 CFR 322.5(l). Any Corps review under this NWP will be limited to the effects on navigation and national security in accordance with 33 CFR 322.5(f), as well as 33 CFR 322.5(l) and 33 CFR part 334. Such structures will not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, nor will such structures be permitted in EPA or Corps-designated dredged material disposal areas.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)(Authority: Section 10)

9. Structures in Fleeting and Anchorage Areas. Structures, buoys, floats, and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose. (Authority: Section 10)

10. Mooring Buoys. Non-commercial, single-boat, mooring buoys. (Authority: Section 10)

11. Temporary Recreational Structures. Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir managers must approve each buoy or marker individually. (Authority: Section 10)

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project. Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A ''utility line'' is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication. The term ''utility line'' does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any

exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities. Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR part 322). Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) The activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a Section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where the utility line is constructed or installed in navigable waters of the United States (i.e., Section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a Section 404 permit (see NWP 15).

Note 6: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act Section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 7: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 8: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, ''District Engineer's Decision.'' The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 12. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 12 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. Case-specific water quality certification from the Illinois EPA will be required for:
   A. activities in the following waters:
      i. Lake Calumet
      ii. Fox River (including the Fox Chain of Lakes)
      iii. Lake Michigan
      iv. Chicago Sanitary and Ship Canal
      v. Calumet-Sag Channel
      vi. Little Calumet River
      vii. Grand Calumet River
      viii. Calumet River
      ix. Pettibone Creek (in Lake County)
      x. South Branch of the Chicago River (including the South Fork)
      xi. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
      xii. Chicago River (Main Stem)
      xiii. Des Plaines River
      xiv. Kankakee
      xv. All Public and Food Processing Water Supplies with surface intake facilities. The Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies.
   B. activities in the following waters if material is sidecast into waters of the State or wetlands:
      i. Saline River (in Hardin County)
      ii. Richland Creek (in St. Clair and Monroe Counties)
      iii. Rock River (in Winnebago County)
      iv. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
      v. Illinois River between mile 140.0 and 182.0
      vi. DuPage River (including the East and West Branches)
      vii. Salt Creek (Des Plaines River Watershed)
      viii. Waukegan River (including the South Branch)
2. Section 401 water quality certification is hereby issued for all other waters, with the following conditions:
   A. The applicant for Nationwide Permit 12 shall not cause:
      i. violation of applicable provisions of the Illinois Environmental Protection Act;
      ii. water pollution defined and prohibited by the Illinois Environmental Protection Act;
      iii. violation of applicable water quality standards of the Illinois Pollution Control Board,Title 35, Subtitle C: Water Pollution Rules and Regulation; or
      iv. interference with water use practices near public recreation areas or water supply intakes.
   B. The applicant for Nationwide Permit 12 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.
   C. Material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
      i. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
      ii. Side cast material is not placed within ponds or other water bodies other than wetlands; and
      iii. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site (refer to Condition 2.F), or used as backfill (refer to Condition 2.D and 2.E).
   D. Backfill used within trenches passing through surface water 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:
      i. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
      ii. Excavation and backfilling are done under dry conditions.
   E. 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.

F. All material excavated which is not being used as backfill as stipulated in Condition 2.D and 2.E shall be stored or disposed in self-contained areas with no discharge to waters of the State. Material shall be disposed of appropriately under the regulations at 35 Il. Adm. Code Subtitle G.

G. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide Permit 12 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide Permit 12 shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

H. The applicant for Nationwide Permit 12 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).

I. The use of directional drilling to install utility pipelines below surface waters of the State is hereby certified provided that:
   i. All pits and other construction necessary for the directional drilling process are located outside of surface waters of the State;
   ii. All drilling fluids shall be adequately contained such that they cannot cause a discharge to surface waters of the State. Such fluids shall be treated as stipulated in Condition 2.F; and
   iii. Erosion and sediment control is provided in accordance with Conditions 2.B, 2.G, and 2.H.

J. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the temporary facility. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.

K. The applicant for Nationwide Permit 12 that uses temporary work pads, cofferdams, access roads or other temporary fills in order to perform work in creeks, streams, or rivers for construction activities shall maintain flow in the these waters during such construction activity by utilizing dam and pumping, fluming, culverts or other such techniques.

L. Permanent access roads shall be constructed of clean coarse aggregate or non-erodible nonearthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the access road in waters of the state. The applicant for Nationwide Permit 12 that constructs access roads shall maintain flow in creeks, streams and rivers by installing culverts, bridges or other such techniques.

13. Bank Stabilization. Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

(a) No material is placed in excess of the minimum needed for erosion protection;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects (an exception is for bulkheads—the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);

(c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;

(d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;

(e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;

(f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas);

(g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;

(h) The activity is not a stream channelization activity; and

(i) The activity must be properly maintained, which may require repairing it after severe storms or erosion events. This NWP authorizes those maintenance and repair activities if they require authorization. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high

flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to Pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Invasive plant species shall not be used for bioengineering or vegetative bank stabilization.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) Involves discharges into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line. (See general condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 13. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 13 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The bank stabilization activities shall not exceed 1000 linear feet.
2. Asphalt, bituminous material and concrete with protruding material such as reinforcing bars or mesh shall not be:
   A. used for backfill;
   B. placed on shorelines/streambanks; or
   C. placed in waters of the State.
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, as determined by the Illinois EPA.
4. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
5. The applicant shall consider installing bioengineering practices in lieu of structural practices of bank stabilization to minimize impacts to the lake, pond, river or stream and enhance aquatic habitat. The applicant shall document the selection process for the bank stabilization technique(s) and the basis for the selection of the bank stabilization practices. Bioengineering techniques may include, but are not limited to:
   A. adequately sized riprap or A-Jack structures keyed into the toe of the slope with native plantings on the banks above;
   B. vegetated geogrids;
   C. coconut fiber (coir) logs;
   D. live, woody vegetative cuttings, fascines or stumps;
   E. brush layering; and
   F. soil lifts.

14. Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/ 3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to Pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, ''District Engineer's Decision.'' The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 14. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 14 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The affected area of the stream channel shall not exceed 300 linear feet, as measured along the stream corridor.
2. 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, as determined by the Illinois EPA.
3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
5. 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
6. The applicant for Nationwide Permit 14 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
8. The applicant for Nationwide Permit 14 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

15. U.S. Coast Guard Approved Bridges. Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws. Causeways and approach fills are not included in this NWP and will require a separate Section 404 permit. (Authority: Section 404 of the Clean Water Act (Section 404))

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 15. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 15 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

16. Return Water From Upland Contained Disposal Areas. Return water from an upland contained dredged material disposal area. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs in an area that has no waters of the United States and does not require a

section 404 permit. This NWP satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the section 401 certification procedures. The dredging activity may require a section 404 permit (33 CFR 323.2(d)), and will require a Section 10 permit if located in navigable waters of the United States. (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 16. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 16 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. Applicants shall obtain a Subtitle C State Construction and Operating Permit for construction and operation of any dredge material disposal facility or upland contained disposal facility.
2. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
3. The applicant for Nationwide Permit 16 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
4. 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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

17. Hydropower Projects. Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 5000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and section 30 of the Federal Power Act, as amended.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 17. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 17 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 17 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. An individual Section 401 water quality certification will be required for any project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

18. Minor Discharges. Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

(a) The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;
(b) The discharge will not cause the loss of more than 1/10-acre of waters of the United States; and
(c) The discharge is not placed for the purpose of a stream diversion.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge is in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 18. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 18 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;

B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
D. interference with water use practices near public recreation areas or water supply intakes.

2. 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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
3. The applicant for Nationwide Permit 18 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).

19. Minor Dredging. Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., Section 10 waters). This NWP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 19. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 19 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 19 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. Dredging shall be done by mechanical means and material shall not be discharged to Waters of the State.

20. Response Operations for Oil and Hazardous Substances. Activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) The Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on- scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This NWP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This NWP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. (Authorities: Sections 10 and 404)

***** 21. Surface Coal Mining Activities.** Discharges of dredged or fill material into waters of the United States associated with surface coal mining and reclamation operations, provided the following criteria are met:

(a) The activities are already authorized, or are currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or as part of an integrated permit processing procedure by the Department of the Interior, Office of Surface Mining Reclamation and Enforcement;

(b) The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal individual and cumulative adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into tidal waters or non-tidal wetlands adjacent to tidal waters; and

(c) The discharge is not associated with the construction of valley fills. A ''valley fill'' is a fill structure that is typically constructed within valleys associated with steep, mountainous terrain, associated with surface coal mining activities.

Notification: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 32.)(Authorities: Sections 10 and 404)

22. Removal of Vessels. Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or riverbank snagging.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The vessel is listed or eligible for listing in the National Register of Historic Places; or (2) the activity is conducted in a special aquatic site, including coral reefs and wetlands. (See General Condition 32.) If condition 1 above is triggered, the permittee cannot commence the activity until informed by the district engineer that compliance with the ''Historic Properties'' general condition is completed. (Authorities: Sections 10 and 404)

Note 1: If a removed vessel is disposed of in waters of the United States, a permit from the U.S. EPA may be required (see 40 CFR 229.3). If a Department of the Army permit is required for vessel disposal in waters of the United States, separate authorization will be required.

Note 2: Compliance with general condition 18, Endangered Species, and general condition 20, Historic Properties, is required for all NWPs. The concern with historic properties is emphasized in the notification requirements for this NWP because of the possibility that shipwrecks may be historic properties.

***** 23. Approved Categorical Exclusions.** Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from the requirement to prepare an environmental impact statement or environmental assessment analysis, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions,including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Authorities: Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are: the Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07, which is available at: http://www.usace.army.mil/Portals/2/docs/ civilworks/RGLS/rgl05-07.pdf. Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same Web site.

24. Indian Tribe or State Administered Section 404 Programs. Any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)-(l) is permitted pursuant to Section 10 of the Rivers and Harbors Act of 1899. (Authority: Section 10)

Note 1: As of the date of the promulgation of this NWP, only New Jersey and Michigan administer their own section 404 permit programs.

Note 2: Those activities that do not involve an Indian Tribe or State section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Public Law 94-587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)).

25. Structural Discharges. Discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways, or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a separate Section 10 permit if located in navigable waters of the United States. (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 25. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 25 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;

C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant for Nationwide Permit 25 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

26. [Reserved]

27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.

To be authorized by this NWP, the aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of an intact aquatic habitat or riparian area of the same type that exists in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area.

To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: The removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, rehabilitation, or re-establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re-establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

Reversion. For enhancement, restoration, and establishment activities conducted: (1)In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2)as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3)on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of

return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see General Condition 32), except for the following activities:

(1) Activities conducted on non-federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;

(2) Voluntary stream or wetlandrestoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or

(3) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.

However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Authorities: Sections 10 and 404)

Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 27. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 27 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THIS NATIONWIDE SPECIFIC CONDITION, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. All activities conducted under NWP 27 shall be in accordance with the provisions of 35 Ill. Adm. Code 405.108. Work in reclaimed surface coal mine areas are required to obtain prior authorization from the Illinois EPA for any activities that result in the use of acid-producing mine refuse.
2. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
3. 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section

28. Modifications of Existing Marinas. Reconfiguration of existing docking facilities within an authorized marina area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the United States is authorized by this NWP. (Authority: Section 10)

29. Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more

than minimal adverse environmental effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See General Condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 29. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 29 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 29 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant is advised that the following permit(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.
6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 29.

30. Moist Soil Management for Wildlife. Discharges of dredged or fill material into non-tidal waters of the United States and maintenance activities that are associated with moist soil management for wildlife for the purpose of continuing ongoing, site- specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife. Such activities include, but are not limited to, plowing or discing to impede succession, preparing seed beds, or establishing fire breaks. Sufficient riparian areas must be maintained adjacent to all open water bodies, including streams, to preclude water quality degradation due to erosion and sedimentation. This NWP does not authorize the construction of new dikes, roads, water control structures, or similar features associated with the management areas. The activity must not result in a net loss of aquatic resource functions and services. This NWP does not authorize the conversion of wetlands to uplands, impoundments, or other open water bodies. (Authority: Section 404)

Note: The repair, maintenance, or replacement of existing water control structures or the repair or maintenance of dikes may be authorized by NWP 3. Some such activities may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

***** 31. Maintenance of Existing Flood Control Facilities.** Discharges of dredged or fill material resulting from activities associated with the maintenance of existing flood control facilities, including debris basins, retention/ detention basins, levees, and channels that: (i) Were previously authorized by the Corps by individual permit, general permit, or 33 CFR 330.3, or did not require a permit at the time they were constructed, or (ii) were constructed by the Corps and transferred to a non-federal sponsor for operation and maintenance. Activities authorized by this NWP are limited to those resulting from maintenance activities that are conducted within the ''maintenance baseline,'' as described in the definition below. Discharges of dredged or fill materials associated with maintenance activities in flood control facilities in any watercourse that have previously been determined to be within the maintenance baseline are authorized under this NWP. To the extent that a Corps permit is required, this NWP authorizes the removal of vegetation from levees associated with the flood control project. This NWP does not authorize the removal of sediment and associated vegetation from natural water courses except when these activities have been included in the maintenance baseline. All dredged and excavated material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used.

Maintenance Baseline: The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the district engineer. The district

engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels but which are part of the facility. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the approved and constructed design capacities of the flood control facility. If no evidence of the constructed capacity exists, the approved capacity will be used. The documentation will also include best management practices to ensure that the adverse environmental impacts caused by the maintenance activities are no more than minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below, this NWP cannot be used until the district engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP. This NWP does not authorize maintenance of a flood control facility that has been abandoned. A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner. A flood control facility will not be considered abandoned if the prospective permittee is in the process of obtaining other authorizations or approvals required for maintenance activities and is experiencing delays in obtaining those authorizations or approvals.

Mitigation: The district engineer will determine any required mitigation one-time only for impacts associated with maintenance work at the same time that the maintenance baseline is approved. Such one-time mitigation will be required when necessary to ensure that adverse environmental effects are no more than minimal, both individually and cumulatively. Such mitigation will only be required once for any specific reach of a flood control project. However, if one-time mitigation is required for impacts associated with maintenance activities, the district engineer will not delay needed maintenance, provided the district engineer and the permittee establish a schedule for identification, approval, development, construction and completion of any such required mitigation. Once the one-time mitigation described above has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline (see Note, below). In determining appropriate mitigation, the district engineer will give special consideration to natural water courses that have been included in the maintenance baseline and require mitigation and/or best management practices as appropriate.

Emergency Situations: In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer before any maintenance work is conducted (see general condition 32). The Pre-construction notification may be for activity-specific maintenance or for maintenance of the entire flood control facility by submitting a five-year (or less) maintenance plan. The Pre-construction notification must include a description of the maintenance baseline and the disposal site for dredged or excavated material. (Authorities: Sections 10 and 404)

Note: If the maintenance baseline was approved by the district engineer under a prior version of NWP 31, and the district engineer imposed the one-time compensatory mitigation requirement on maintenance for a specific reach of a flood control project authorized by that prior version of NWP 31, during the period this version of NWP 31 is in effect (March 19, 2017, to March 18, 2022) the district engineer will not require additional compensatory mitigation for maintenance activities authorized by this NWP in that specific reach of the flood control project.

32. Completed Enforcement Actions. Any structure, work, or discharge of dredged or fill material remaining in place or undertaken for mitigation, restoration, or environmental benefit in compliance with either:

i The terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or the terms of an EPA 309(a) order on consent resolving a violation of section 404 of the Clean Water Act, provided that:

(a) The activities authorized by this NWP cannot adversely affect more than 5 acres of non-tidal waters or 1 acre of tidal waters;

(b) The settlement agreement provides for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity that is authorized by this NWP; and

(c) The district engineer issues a verification letter authorizing the activity subject to the terms and conditions of this NWP and the settlement agreement, including a specified completion date; or

ii The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or

iii The terms of a final court decision, consent decree, settlement agreement, or non-judicial settlement agreement resulting from a natural resource damage claim brought by a trustee or trustees for natural resources (as defined by the National Contingency Plan at 40 CFR subpart G) under Section 311 of the Clean Water Act, Section 107 of the Comprehensive Environmental Response, Compensation and

Liability Act, Section 312 of the National Marine Sanctuaries Act, Section 1002 of the Oil Pollution Act of 1990, or the Park System Resource Protection Act at 16 U.S.C. 19jj, to the extent that a Corps permit is required.

Compliance is a condition of the NWP itself; non-compliance of the terms and conditions of an NWP 32 authorization may result in an additional enforcement action (e.g., a Class I civil administrative penalty). Any authorization under this NWP is automatically revoked if the permittee does not comply with the terms of this NWP or the terms of the court decision, consent decree, or judicial/non-judicial settlement agreement. This NWP does not apply to any activities occurring after the date of the decision, decree, or agreement that are not for the purpose of mitigation, restoration, or environmental benefit. Before reaching any settlement agreement, the Corps will ensure compliance with the provisions of 33 CFR part 326 and 33 CFR 330.6(d)(2)and (e). (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 32. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 32 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. 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. Except as allowed under condition 9, 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 been issued by the Illinois EPA. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 32 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
6. The applicant is advised that the following permit(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.
9. Backfill used within trenches passing through surface water 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 a #230 U.S. sieve; or
   B. Excavation and backfilling are done under dry conditions.
10. 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.
11. Any applicant proposing activities in a mined area or previously mined area shall provide to the IEPA a written determination regarding whether the sediment and materials that will be used 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.
12. 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.

33. Temporary Construction, Access, and Dewatering. Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fill

must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate Section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., Section 10 waters) (see general condition 32). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre- project conditions. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 33. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 33 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. 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, as determined by the Illinois EPA.
2. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
3. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 33 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
6. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
7. The applicant for Nationwide Permit 33 who uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.
8. During dewatering of the coffered work area, all sediment-laden water shall have adequate sediment removed such that water quality standards, including preventing unnatural turbidity, are met in the receiving stream.

***** 34. Cranberry Production Activities.** Discharges of dredged or fill material for dikes, berms, pumps, water control structures or leveling of cranberry beds associated with expansion, enhancement, or modification activities at existing cranberry production operations. The cumulative total acreage of disturbance per cranberry production operation, including but not limited to, filling, flooding, ditching, or clearing, must not exceed 10 acres of waters of the United States, including wetlands. The activity must not result in a net loss of wetland acreage. This NWP does not authorize any discharge of dredged or fill material related to other cranberry production activities such as warehouses, processing facilities, or parking areas. For the purposes of this NWP, the cumulative total of 10 acres will be measured over the period that this NWP is valid.

Notification: The permittee must submit a pre-construction notification to the district engineer once during the period that this NWP is valid, and the NWP will then authorize discharges of dredge or fill material at an existing operation for the permit term, provided the 10-acre limit is not exceeded. (See general condition 32.) (Authority: Section 404)

35. Maintenance Dredging of Existing Basins. The removal of accumulated sediment for maintenance of existing marina basins, access channels to marinas or boat slips, and boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less. All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used for the disposal site.
(Authority: Section 10)

36. Boat Ramps. Activities required for the construction of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50

cubic yard limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,

(e) No material is placed in special aquatic sites, including wetlands.

The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge into waters of the United States exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in width. (See general condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 36. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 36 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 36 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

***** 37. Emergency Watershed Protection and Rehabilitation.** Work done by or funded by:

(a) The Natural Resources Conservation Service for a situation requiring immediate action under its emergency Watershed Protection Program (7 CFR part 624);

(b) The U.S. Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 2509.13);

(c) The Department of the Interior for wildland fire management burned area emergency stabilization and rehabilitation (DOI Manual part 620, Ch. 3);

(d) The Office of Surface Mining, or states with approved programs, for abandoned mine land reclamation activities under Title IV of the Surface Mining Control and Reclamation Act (30 CFR subchapter R), where the activity does not involve coal extraction; or

(e) The Farm Service Agency under its Emergency Conservation Program (7 CFR part 701).

In general, the prospective permittee should wait until the district engineer issues an NWP verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the emergency watershed protection and rehabilitation activity may proceed immediately and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination todecide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

Notification: Except in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). (Authorities: Sections 10 and 404)

38. Cleanup of Hazardous and Toxic Waste. Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 38. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 38 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. In addition to any actions required of the NWP applicant with respect to the "Notification" General Condition 32, 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 remedial action.
3. An individual Section 401 water quality certification will be required for activities that do not require or will not receive authorization or approval from the BOL.

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 39. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 39 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 39 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be

obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, water treatment plants, wastewater treatment plants and related facilities prior to construction.
6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 39.
7. For construction of oil and gas wells, the impacted waters of the State shall be restored to pre-construction conditions within six months after construction is started. For purposes of this condition, restoration includes stabilization and seeding or planting of vegetation on the disturbed areas that were vegetated prior to construction.

40. Agricultural Activities. Discharges of dredged or fill material into non-tidal waters of the United States for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the United States; and similar activities.

This NWP also authorizes the construction of farm ponds in non-tidal waters of the United States, excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This NWP does not authorize the construction of aquaculture ponds.

This NWP also authorizes discharges of dredged or fill material into non-tidal waters of the United States to relocate existing serviceable drainage ditches constructed in non-tidal streams. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States.

The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Section 404)

Note: Some discharges for agricultural activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4). This NWP authorizes the construction of farm ponds that do not qualify for the Clean Water Act section 404(f)(1)(C) exemption because of the recapture provision at section 404(f)(2).

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 40. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 40 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 40 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

41. Reshaping Existing Drainage Ditches. Discharges of dredged or fill material into non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality.

This NWP does not authorize the relocation of drainage ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage ditch must be

approximately the same as the location of the centerline of the original drainage ditch. This NWP does not authorize stream channelization or stream relocation projects. (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 41. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 41 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 41 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 been issued by the Illinois EPA. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 41 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
6. The applicant is advised that the following permit(s) must be obtained from the Agency: permits to construct sanitary sewers, water mains and related facilities prior to construction.
7. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.

42. Recreational Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this NWP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This NWP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 42. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 42 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 42 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken

and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 42.

43. Stormwater Management Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; the construction of low impact development integrated management features such as bioretention facilities (e.g., rain gardens), vegetated filter strips, grassed swales, and infiltration trenches; and the construction of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act.

This NWP authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features. The maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features that are not waters of the United States does not require a section 404 permit.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Notification: For discharges into non-tidal waters of the United States for the construction of new stormwater management facilities or pollutant reduction green infrastructure features, or the expansion of existing stormwater management facilities or pollutant reduction green infrastructure features, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility or pollutant reduction green infrastructure feature. (Authority: Section 404))

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 43. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 43 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The Agency hereby issues Section 401 water quality certification of Nationwide Permit 43 exclusively for the construction and maintenance of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act. All other activities authorized under this Nationwide Permit are denied Section 401 water quality certification. For purposes of this water quality certification green infrastructure means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns and protection and enhancement of riparian buffers and floodplains. Material excavated, dredged or produced from the maintenance of green infrastructure features shall not be discharged to waters of the State.
2. The applicant for Nationwide Permit 43 shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
3. The applicant for Nationwide Permit 43 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
4. 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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
5. 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

44. Mining Activities. Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities, provided the activity meets all of the following criteria:

(a) For mining activities involving discharges of dredged or fill material into non-tidal wetlands, the discharge must not cause the loss of greater than 1/2-acre of non-tidal wetlands;

(b) For mining activities involving discharges of dredged or fill material in non-tidal open waters (e.g., rivers, streams, lakes, and ponds) the mined area, including permanent and temporary impacts due to discharges of dredged or fill material into jurisdictional waters, must not exceed 1/2-acre; and

(c) The acreage loss under paragraph (a) plus the acreage impact under paragraph (b) does not exceed 1/2-acre.

The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects.

The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre.

This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction-notification to the district engineer prior to commencing the activity. (See general condition 32.) If reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 44. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 44 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 44 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. The facility shall be covered by either a Subtitle D NPDES mining permit or a Subtitle D State Construction and Operating Permit for mining activities.
5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 44.

45. Repair of Uplands Damaged by Discrete Events. This NWP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This NWP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Notification: The permittee must submit a pre-construction notification to the district engineer (see general condition 32) within 12 months of the date of the damage; for major storms, floods, or other discrete events, the district engineer may waive the 12- month limit for submitting a pre-construction notification if the permittee can demonstrate funding, contract, or other similar delays. The pre-construction notification must include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Authority: Sections 10 and 404)

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands

46. Discharges in Ditches. Discharges of dredged or fill material into non-tidal ditches that are: (1) Constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) determined to be waters of the United States. The discharge must not cause the loss of greater than one acre of waters of the United States.

This NWP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 46. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 46 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 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 been issued by the Illinois EPA. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 46 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
6. The applicant is advised that the following permit(s) must be obtained from the Agency: permits to construct sanitary sewers, water mains and related facilities prior to construction.
7. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.
8. The applicant shall not sever the connection between upstream and downstream surface waters of the State by the discharge of dredged or fill material into ditches.

47. [Reserved]

***** 48. Commercial Shellfish Aquaculture Activities.** Discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States necessary for new and continuing commercial shellfish aquaculture operations in authorized project areas. For the purposes of this NWP, the project area is the area in which the operator is authorized to conduct commercial shellfish aquaculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any easement, lease, deed, contract, or other legally binding agreement that establishes an enforceable property interest for the operator. A ''new commercial shellfish aquaculture operation'' is an operation in a project area where commercial shellfish aquaculture activities have not been conducted during the past 100 years.

This NWP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This NWP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked.

This NWP does not authorize:

(a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;

(b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990;

(c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste; or

(d) Activities that directly affect more than 1/2-acre of submerged aquatic vegetation beds in project areas that have not been used for commercial shellfish aquaculture activities during the past 100 years.

Notification: The permittee must submit a pre-construction notification to the district engineer if: (1) The activity will include a species that has never been cultivated in the waterbody; or (2) the activity occurs in a project area that has not been used for commercial shellfish aquaculture activities during the past 100 years. If the operator will be conducting commercial shellfish aquaculture activities in multiple contiguous project areas, he or she can either submit one PCN for those contiguous project areas or submit a separate PCN for each project area. (See general condition 32.)

In addition to the information required by paragraph (b) of general condition 32, the pre-construction notification must also include the following information: (1) A map showing the boundaries of the project area(s), with latitude and longitude coordinates for each corner of each project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area(s) (a detailed survey is not required). No more than one pre-construction notification per project area or group of contiguous project areas should be submitted for the commercial shellfish operation during the effective period of this NWP. The pre-construction notification should describe all species and culture activities the operator expects to undertake in the project area or group of contiguous project areas during the effective period of this NWP. If an operator intends to undertake unanticipated changes to the commercial shellfish aquaculture operation during the effective period of this NWP, and those changes require Department of the Army authorization, the operator must contact the district engineer to request a modification of the NWP verification; a new Pre-construction notification does not need to be submitted (Authorities: Sections 10 and 404)

Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines ''aquatic nuisance species'' as ''a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.''

***** 49. Coal Remining Activities.** Activities. Discharges of dredged or fill material into non-tidal waters of the United States associated with the remining and reclamation of lands that were previously mined for coal. The activities must already be authorized, or they must currently be in process as part of an integrated permit processing procedure, by the Department of the Interior Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title IV or Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Areas previously mined include reclaimed mine sites, abandoned mine land areas, or lands under bond forfeiture contracts.

As part of the project, the permittee may conduct new coal mining activities in conjunction with the remining activities when he or she clearly demonstrates to the district engineer that the overall mining plan will result in a net increase in aquatic resource functions. The Corps will consider the SMCRA agency's decision regarding the amount of currently undisturbed adjacent lands needed to facilitate the remining and reclamation of the previously mined area. The total area disturbed by new mining must not exceed 40 percent of the total acreage covered by both the remined area and the additional area necessary to carry out the reclamation of the previously mined area.

The permittee must submit a pre-construction notification and a document describing how the overall mining plan will result in a net increase in aquatic resource functions to the district engineer and receive written authorization prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

***** 50. Underground Coal Mining Activities.** Discharges of dredged or fill material into non-tidal waters of the United States associated with underground coal mining and reclamation operations provided the activities are authorized, or are currently being processed as part of an integrated permit processing procedure, by the Department of the Interior, Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize coal preparation and processing activities outside of the mine site.

Notification: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 32.) If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Authorities: Sections 10 and 404)

Note: Coal preparation and processing activities outside of the mine site may be authorized by NWP 21.

51. Land-Based Renewable Energy Generation Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind,

biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land- based renewable energy generation facility.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.

Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove utility lines and/or road crossings, then NWP 12 and/or NWP 14 shall be used if those activities meet the terms and conditions of NWPs 12 and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 51. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 51 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 51 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 51.

52. Water-Based Renewable Energy Generation Pilot Projects. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind, water-based solar, wave energy, or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.

For the purposes of this NWP, the term ''pilot project'' means an experimental project where the water- based renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

The discharge must not cause the loss of greater than 1/2-acre of waters of the United States, including the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre.

The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR

322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United States is not a loss of waters of the United States for the purposes of applying the 1/2-acre or 300 linear foot limits.

For each single and complete project, no more than 10 generation units (e.g., wind turbines, wave energy devices, or hydrokinetic devices) are authorized. For floating solar panels in navigable waters of the United States, each single and complete project cannot exceed 1/2- acre in water surface area covered by the floating solar panels.

This NWP does not authorize activities in coral reefs. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.

Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army authorization, such as another NWP, an individual permit, or a regional general permit. Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the NWP authorization if no FERC license is required.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)
(Authorities: Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.

Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate approval from the Chief of Engineers or District Engineer under 33 U.S.C. 408.

Note 3: If the pilot project generation units, including any transmission lines, are placed in navigable waters of the United States (i.e., Section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the generation units and associated transmission line(s) to protect navigation.

Note 4: Hydrokinetic renewable energy generation projects that require authorization by the Federal Energy Regulatory Commission under the Federal Power Act of 1920 do not require separate authorization from the Corps under Section 10 of the Rivers and Harbors Act of 1899.

Note 5: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 52. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 52 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 52 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
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 been issued by this Agency. Any backfilling must be done with clean material and 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 52.
6. An individual Section 401 water quality certification will be required for any hydrokinetic project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

53. Removal of Low-Head Dams. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States associated with the removal of low-head dams.

For the purposes of this NWP, the term ''low-head dam'' is defined as a dam built across a stream to pass flows from upstream over all, or nearly all, of the width of the dam crest on a

continual and uncontrolled basis. (During a drought, there might not be water flowing over the dam crest.) In general, a low-head dam does not have a separate spillway or spillway gates but it may have an uncontrolled spillway. The dam crest is the top of the dam from left abutment to right abutment, and if present, an uncontrolled spillway. A low-head dam provides little storage function.

The removed low-head dam structure must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

Because the removal of the low-head dam will result in a net increase in ecological functions and services provided by the stream, as a general rule compensatory mitigation is not required for activities authorized by this NWP. However, the district engineer may determine for a particular low-head dam removal activity that compensatory mitigation is necessary to ensure the authorized activity results in no more than minimal adverse environmental effects.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)
(Authorities: Sections 10 and 404)

Note: This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to restore the stream in the vicinity of the low-head dam, including the former impoundment area. Nationwide permit 27 or other Department of the Army permits may authorize such activities. This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to stabilize stream banks. Bank stabilization activities may be authorized by NWP 13 or other Department of the Army permits.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 53. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 53 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall implement the following Best Management Practices and Material Testing:
   A. Sediments and river bottom material are excavated and removed to upland areas to minimize sediment transport downstream, minimize downcutting and protect water quality; or
   B. measures shall be implemented to minimize sediment transport downstream; or
   C. the sediments and river bottom materials that will be transported downstream are determined to have less than 20 percent passing a #230 U.S. Sieve based on representative sampling and analysis of the sediments and river bottom materials; or
   D. a combination of the above practices to protect water quality; and sediments and river bottom materials shall not be pollutional if released to downstream waters.
2. Best Management Practices shall be implemented to minimize sediment transport downstream, minimize downcutting of sediment and river bottom materials and protect water quality.
3. The project shall be required to obtain individual 401 water quality certification if a public or food processing surface water intake is located within the upstream pool of the dam to be removed.
4. The applicant shall notify downstream surface water supplies of the proposed dam removal. The applicant shall implement practices to prevent interference with Public and Food Processing Water Supply intakes. The Illinois EPA’s Division of Public Water Supply may be contacted at 217/782-1020 for information on the Public and Food Processing Water Supplies.
5. The applicant for Nationwide Permit 53 shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
6. The applicant for Nationwide Permit 53 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
7. 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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
8. All areas affected by construction shall be stabilized or mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosionduring construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

54. Living Shorelines. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters, which includes the Great Lakes, along shores with small fetch and gentle slopes that are subject to low- to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural ‘‘soft’’ elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock

sills) for added protection and stability. Living shorelines should maintain the natural continuity of the land-water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures. The following conditions must be met:

(a) The structures and fill area, including sand fills, sills, breakwaters, or reefs, cannot extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(c) Coir logs, coir mats, stone, native oyster shell, native wood debris, and other structural materials must be adequately anchored, of sufficient weight, or installed in a manner that prevents relocation in most wave action or water flow conditions, except for extremely severe storms;

(d) For living shorelines consisting of tidal or lacustrine fringe wetlands, native plants appropriate for current site conditions, including salinity, must be used if the site is planted by the permittee;

(e) Discharges of dredged or fill material into waters of the United States, and oyster or mussel reef structures in navigable waters, must be the minimum necessary for the establishment and maintenance of the living shoreline;

(f) If sills, breakwaters, or other structures must be constructed to protect fringe wetlands for the living shoreline, those structures must be the minimum size necessary to protect those fringe wetlands;

(g) The activity must be designed, constructed, and maintained so that it has no more than minimal adverse effects on water movement between the waterbody and the shore and the movement of aquatic organisms between the waterbody and the shore; and

(h) The living shoreline must be properly maintained, which may require periodic repair of sills, breakwaters, or reefs, or replacing sand fills after severe storms or erosion events. Vegetation may be replanted to maintain the living shoreline. This NWP authorizes those maintenance and repair activities, including any minor deviations necessary to address changing environmental conditions.

This NWP does not authorize beach nourishment or land reclamation activities. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the construction of the living shoreline. (See general condition 32.) The pre-construction notification must include a delineation of special aquatic sites (see paragraph (b)(4) of general condition 32). Pre-construction notification is not required for maintenance and repair activities for living shorelines unless required by applicable NWP general conditions or regional conditions. (Authorities: Sections 10 and 404)

Note: In waters outside of coastal waters, nature-based bank stabilization techniques, such as bioengineering and vegetative stabilization, may be authorized by NWP 13.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 54. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 54 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. An individual Section 401 water quality certification shall be required for any project that exceeds 1000 feet as measured along the bank and or when the District Engineer waives the limitation of 30 feet as measured from the mean high water line.
2. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.
3. The applicant for Nationwide Permit 54 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
4. 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 been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
5. All areas affected by construction shall be stabilized or 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 erosion during construction shall be taken and may include the installation of 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 Storm Water 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 Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

C. Nationwide Permit General Conditions

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.
   (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
   (c) 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 shall 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 shall be made against the United States on account of any such removal or alteration.
2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. Suitable Material. 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).
7. Water Supply Intakes. No activitymay occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. 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 ordinary high water mark 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, or during low tides.
13. Removal of Temporary Fills. 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.
14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
16. Wild and Scenic Rivers. (a) No NWP 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, unless the appropriate Federal agency with direct management responsibility for such river,

has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will 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, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP 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 any NWP which ''may affect'' a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, 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.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, 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 designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat 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. In cases where the non-federal applicant has identified listed species or critical habitat 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 critical habitat, or until ESA section 7 consultation 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.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the ''take'' of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with ''incidental take'' provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word ''harm'' in the definition of ''take'' means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA Section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA Section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA Section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA Section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA Section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction

notification whether the ESA Section 10(a)(1)(B)permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world-wide-web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether ''incidental take'' permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, 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 is not submitted, then additional consultation under Section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with Section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects 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 on which the activity might have the potential to cause effects and so notified the Corps, the non-federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA Section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. If NHPA Section 106 consultation is required, the district engineer will notify the non-federal applicant that he or she cannot begin the activity until Section 106 consultation is 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.

(e) 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.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the

activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer 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 National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
    (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
    (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with General Condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:
    (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
    (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
    (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require Pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.
    (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).
    (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.
    (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
        (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.
        (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).
        (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee- responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP 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 NWP verification letter. The certification document will include:
    (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
    (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
    (c) The signature of the permittee certifying the completion of the activity and mitigation.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.
31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a ''USACE project''), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of General Condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.
32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:
        (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
        (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is ''no effect'' on listed species or ''no potential to cause effects'' on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).
    (b) Contents of pre-Construction Notification: The PCN must be in writing and include the following information:
        (1) Name, address and telephone numbers of the prospective permittee;
        (2) Location of the proposed activity;
        (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
        (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow

the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act;

(9) For an activity that will 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, the PCN must identify the Wild and Scenic River or the ''study river'' (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain

why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering 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 and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy theterms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity- specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the

NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.
4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see General condition 32).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term ''discharge'' means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or

predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under Section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to Section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of ''open waters'' include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request maybe a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or

for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term ''single and complete project'' is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.
Single and complete non-linear project: for non-linear projects, the term ''single and complete project'' is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of ''independent utility''). Single and complete non-linear projects may not be ''piecemealed'' to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, 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 manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the

gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

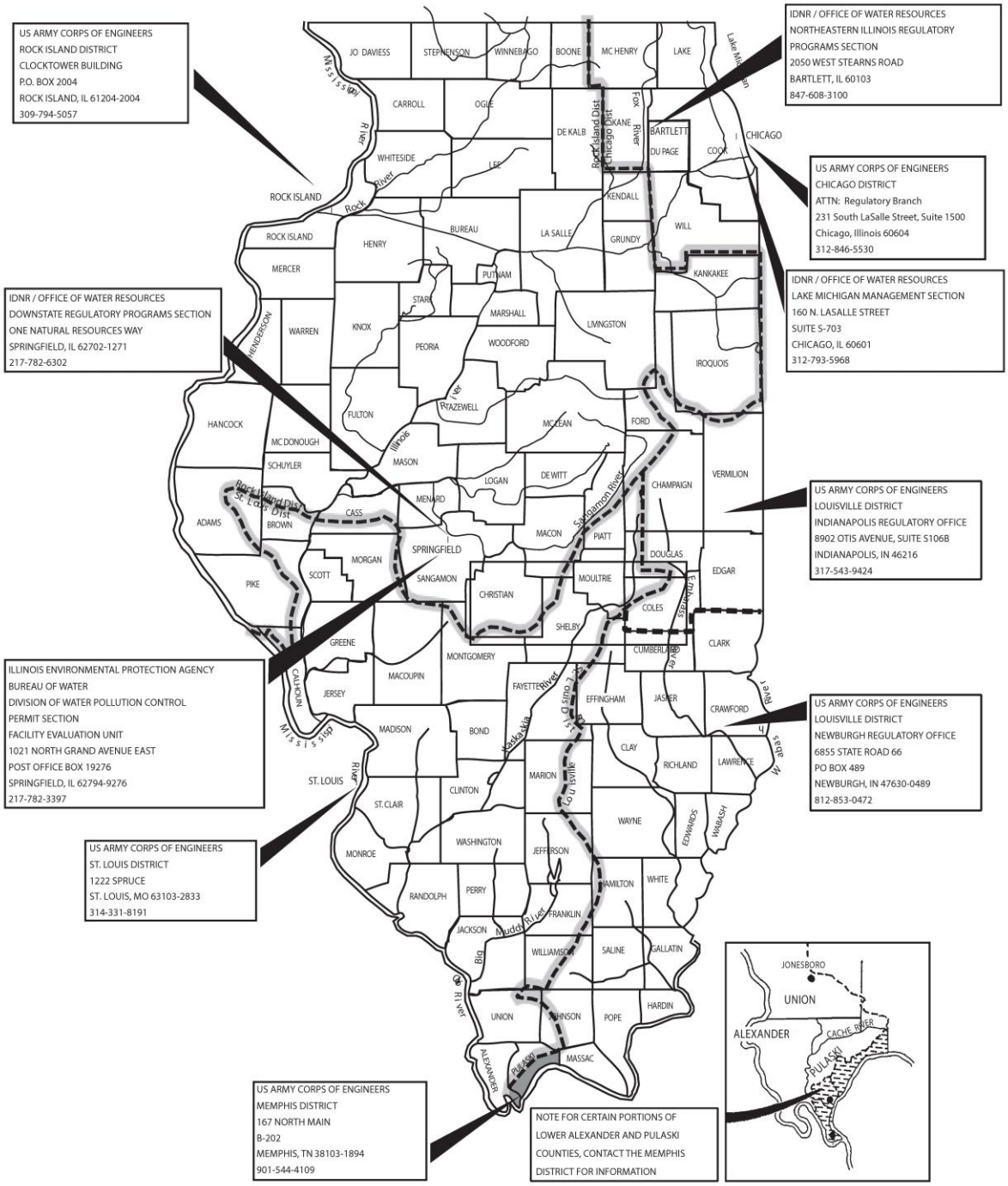
Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of ''waterbodies'' include streams, rivers, lakes, ponds, and wetlands.

PCN – Pre-Construction Notification

******* Nationwide permit where Illinois Environmental Protection Agency has denied Section 401 Water Quality Certification.

REGULATORY JURISDICTIONAL BOUNDARIES



ILLINOIS
DEPARTMENT OF NATURAL RESOURCES

Illinois Department of
Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Pat Quinn, Governor
Marc Miller, Director

Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (Act) (520 ILCS 10/5.5) and the regulations adopted to implement the Act (17 Ill. Adm. Code 1080), authorization is hereby granted to the Illinois Department of Natural Resources, Office of Water Resources (hereinafter referred to as OWR) for the incidental take of the bluebreast darter (*Etheostoma camurum*), eastern sand darter (*Ammocrypta pellucidum*), bigeye chub (*Hybopsis amblops*), river redhorse (*Moxostoma carinatum*), wavy-rayed lampmussel (*Lampsilis fasciola*), and black sandshell (*Ligumia recta*). The Illinois Department of Natural Resources (hereinafter referred to as the Department) has determined that the taking is incidental to activities associated with the partial removal of the Danville Dam and removal of two abandoned bridge piers from the Vermilion River at Danville, Vermilion County, Illinois. The dam is located on the Vermilion River approximately 22 miles upstream from the confluence of the Vermilion River with the Wabash River (-87.631691, 40.122256 Decimal Degrees) and within the Vermilion River – Wabash Drainage Illinois Natural Areas Inventory Site.

Note: There are two Vermilion Rivers in Illinois. One is part of the Illinois River drainage; the other is part of the Wabash River drainage. All references to the Vermilion River in this document are to the Wabash River tributary.

Procedural History

On April 24, 2014, OWR submitted a conservation plan, including a proposed public notice, to the Department as their application for authorization of incidental take of the species listed above. Details of the public notice period can be found below in Item #6 of the Compliance section of this document.

Compliance with the Illinois Endangered Species Protection Act

The Act includes six criteria that must be satisfied for the authorization of incidental take of an endangered or threatened species. These criteria and the Department's determination for each are listed below.

1. The taking will not be the purpose of, but will only be incidental to, the carrying out of an otherwise lawful activity:

   The stated and apparent purpose of this proposed action is the partial removal of the Danville Dam and removal of two abandoned bridge piers on the Vermilion River at Danville, Vermilion County, Illinois. Dam and pier removal is proposed as a means to improve public safety by eliminating the hydraulic roller at the dam. The project will also improve the ecological integrity of the dam site, enhance

river system connectivity, and increase recreational opportunity on the river. Take of the bluebreast darter, eastern sand darter, bigeye chub, river redhorse, wavy-rayed lampmussel, and black sandshell may result from the immediate demolition and removal of the dam and piers or from siltation downstream if a heavy precipitation event should occur soon after dam and pier removal. The taking that could occur is not the purpose of OWR's activities, but is incidental to the carrying out of an otherwise lawful activity.

2. The parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking:

   The conservation plan prepared by OWR describes measures that will be implemented to minimize and mitigate the potential taking of the bluebreast darter, eastern sand darter, bigeye chub, river redhorse, wavy-rayed lampmussel, and black sandshell.

   In order to minimize the area affected by the project, OWR will restrict demolition and related activity to the smallest possible area adjacent to the dam and piers. The channel banks bordering the project site will be stabilized to protect the area from long-term erosion effects. Any areas into which material will be placed or equipment will enter will be inspected in advance by mussel and fisheries biologists.

   To document the effects of dam removal on the fish and mussel communities in the North Fork of the Vermilion River, Eastern Illinois University and the Illinois Natural History Survey have conducted fish and mussel surveys upstream and downstream of the dam in 2012-2014. Annual surveys will continue through 2016 to detect any changes in the diversity and abundance of fishes and mussels.

   Throughout the dam removal process, OWR will advise DNR's local fisheries biologist of the status of the project and allow the biologist to be present for evaluation of methods, searches for stranded fishes and mussels and other aspects of the project.

   It is the opinion of the Department that these measures, along with any additional terms and conditions listed in the Authorization section of this document will, to the maximum extent practicable, minimize and mitigate the impact caused by the potential taking.

3. The parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided:

   Funding for OWR projects is provided by appropriation by the Illinois General Assembly. Policy requires that those funds must be released for construction before a contract is awarded for a given project. Sufficient funds for this project have been identified in the OWR budget. Funding for fish sampling by Eastern

Illinois University will come from an approved State Wildlife Grant from the U.S. Fish and Wildlife Service. OWR estimates that that cost of mitigation measures for this project will be $38,040.

Based on the existing OWR budget and the previous approval of the State Wildlife Grant, it is the Department's conclusion that adequate funding for the conservation plan will be available as needed.

4. Based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois:

   The bluebreast darter is listed as an endangered species in Illinois. The species has no formal federal conservation status. Bluebreast darters are small fish, seldom exceeding three inches in length. In Illinois, they are known only from the Vermilion River system. The Vermilion River population of bluebreast darters represents the western limit of the species distribution in the U.S. Maintenance of water quality is the most important factor in protection of the species. OWR has estimated the potential take of this species at one to three individuals.

   The Illinois Natural Heritage Database includes 14 element occurrence records for the bluebreast darter that are classified as extant. All of these occurrences are in east-central Illinois within the Vermilion River system. The Department has issued two previous incidental take authorizations for the bluebreast darter. One authorization was for take related to the replacement of the Anderson Hill Bridge in Vermilion County. For that project, the Vermilion County Highway Department agreed to minimize the footprint of their work and limit the number of days on which instream work would occur. The second was for OWR's removal of the Ellsworth Park Dam on the North Fork of the Vermilion River. Measures proposed to minimize take of the bluebreast darter were similar to those proposed for the current project.

   The eastern sand darter is listed as a threatened species in Illinois. The species has no formal federal conservation status. Siltation, impoundments and declining water quality are the major factors in the decline of the species throughout its range. Eastern sand darters are small fish, usually two to three inches in length. They are most often found in medium to large streams with sand or sand-gravel bed material. In Illinois, eastern sand darters are found in the Vermilion and Embarras drainages. OWR has estimated the potential take of this species at one to three individuals.

   The Illinois Natural Heritage Database includes 27 element occurrence records for the eastern sand darter that are classified as extant. Twenty-one of these records

are from the Embarras River system and the other six are from the Vermilion River system. The Department has issued one previous incidental take authorization for the eastern sand darter. That authorization was for removal of the Ellsworth Park Dam on the North Fork of the Vermilion River.

The bigeye chub is listed as an endangered species in Illinois. The species has no formal federal conservation status. Bigeye chubs are small fish, usually 2.5 to 3.5 inches in length. They are most commonly found in small to medium streams with sandy, rocky or gravely bed material. They make use of pools with little current but near riffles. Their name reflects their dependence on sight to locate food and they are very intolerant of turbid water. In Illinois, they are known only from the Vermilion, Wabash and Iroquois river systems. OWR has estimated the potential take of this species at one to 10 individuals. Bigeye chubs (14 fish) were found during sampling at the Danville Dam.

The Illinois Natural Heritage Database includes 23 element occurrence records for the bigeye chub that are classified as extant. The Department has issued two previous authorizations for incidental take of bigeye chubs. Those authorizations were for the same projects as described in the discussion of bluebreast darters above.

The river redhorse is listed as a threatened species in Illinois because of its limited range and threats to its habitat such as siltation and pollution. The species has no formal federal conservation status. Historically, it was found in the Wabash, Rock and Illinois River drainages. OWR has estimated the potential take of this species at one to five individuals.

The Illinois Natural Heritage Database includes 32 occurrences of the river redhorse that are classified as extant. The species is most often found in deep, gravelly riffles of small and medium-sized rivers. The Department has issued five previous authorizations for incidental take of the river redhorse. These were for bridge replacement projects in Kane and Vermilion Counties, installation of hydropower facilities in an existing Illinois River dam in LaSalle County, a cooling water discharge in Will County, and removal of the Ellsworth Dam in Vermilion County. A sixth authorization for incidental take of river redhorse has been requested for installation of hydropower in an existing dam in Grundy County.

The wavy-rayed lampmussel is classified as an endangered species in Illinois. The species has no formal federal conservation status. In the early 20th century, this species was reported from the eastern part of Illinois from Cook County to the Ohio River. By the 1960s, it was known only from the Vermilion River system. Pollution and siltation are believed to be the principle causes of this marked

decline. Wavy-rayed lampmussels are most often found in clear, small to medium-sized streams with sand or gravel substrates. OWR has estimated the potential take of this species at one to two individuals.

The Illinois Natural Heritage Database includes 21 element occurrence records for the wavy-rayed lampmussel that are classified as extant. All of those occurrences are in the Vermilion River or its tributaries. The Department has issued five previous authorizations for incidental take of wavy-rayed lampmussels. All of those authorizations were for projects in Vermilion County; three for bridge replacement/repair work, one for the installation of shoreline erosion control, and one for the removal of the Ellsworth Dam.

The black sandshell is listed as a threatened species in Illinois. It has no formal federal conservation status. Black sandshells were once known from nearly all river systems in Illinois. In more recent years, it has been found in only about one-fourth as many drainages as in the past. Favored habitat is riffles and raceways with sand or gravel substrate. The decline of this species is believed to be related to siltation and pollution as well as the mining of sand and gravel from rivers. OWR has estimated the potential take of this species at one to five individuals. Four live black sandshells were found just downstream of the area to be affected by this project during pre-project sampling.

The Illinois Natural Heritage Database includes 99 element occurrence records for the black sandshell that are classified as extant. Many of the occurrences are in the Mississippi River, with additional records from the Vermilion, Rock, Kishwaukee, Kankakee and other rivers. The Department has issued 16 previous authorizations for incidental take of black sandshells. Six of those were for bridge repair/replacement projects. Other project types included dredging of boat/barge channels, pipeline installation or removal, dam removal, and placement of rock and/or rip rap for navigation improvements. Project locations were in Boone (1), Calhoun (1), Jo Daviess (1), Lee (1), McHenry (1), Mercer (1), Rock Island (3), Vermilion (1), Whiteside (2), Will (2), and Winnebago (2) counties. The project in Calhoun County was cancelled after the authorization for incidental take was issued.

Partial removal of the Danville Dam, removal of two abandoned bridge piers, and placement of rip-rap bank protection along both banks of the Vermilion River will potentially affect approximately 4.3 acres of riverine habitat. Removal of the dam will make approximately 28 acres of upstream riverine habitats available to the species discussed in this document and any other species that are present in this reach of the Vermilion River. This upstream area is currently unavailable to most species because the Danville Dam acts as a barrier to upstream movement.

The Department has concluded that the taking proposed herein will not reduce the likelihood of survival or recovery of the bluebreast darter, eastern sand darter, bigeye

chub, river redhorse, wavy-rayed lampmussel or black sandshell in the wild within the State of Illinois, the biotic community of which these species are a part, or the habitat essential to the species' existence in Illinois. This conclusion is based on the following considerations:

For each of these species, the area that will be affected by dam removal represents only a small portion of the available habitat. The bluebreast darter has the most restricted distribution of the species of concern for this project, but is found at numerous locations within the Vermilion River system. All other species occur at scattered locations in the Vermilion River system as well as in other river drainages in Illinois. The temporary disturbance of 4.3 acres of what is presently sub-optimal habitat with a resulting increase of 28 acres in potential habitat is likely to have a positive long-term effect on these species. Post-project surveys at other dam removal sites in Illinois have shown an increase in the abundance and diversity of fishes and mussels. Surveys following this project will determine if this project has paid benefits to the listed species. The increase in available aquatic habitat that will result from dam removal is seen by the Department as adequate compensation for the area of habitat that will be disturbed by this project.

Based on the results of fish and mussel surveys on the Vermilion River in recent years, the take estimated by OWR (no more than ten individuals of any species) appears to be adequate. Considering the measures to be taken by OWR to minimize adverse effects, e.g. pre-project relocation of mussels and "rescue" of stranded fish and mussels during dam removal, it is anticipated that the actual take, if any, will be in the lower range of OWR's estimates. Any take that may occur is not likely to be significant to the population of these species in the Vermilion River or in the State of Illinois.

5. Any measures required under Section 5.5(b)(6) of the Act will be performed:

These measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and an official OWR signature on this agreement indicates OWR's commitment to performing those measures.

6. The public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application:

Public notice of the availability of OWR's conservation plan for review and comment was published in the (Taylorville) Breeze-Courier on May 14, 21, and 28, 2014, and in the (Danville) Commercial-News on May 14, 21, and 28, 2014. The conservation plan was also posted on OWR's website and a copy of the conservation plan was deposited at the Danville Public Library where it was available for public review. The deadline for public comment was June 27, 2014. No comments were received from the public.

Authorization

It is the determination of the Department that the measures to be implemented by the Office of Water Resources will adequately minimize and mitigate the anticipated taking of bluebreast darter, eastern sand darter, bigeye chub, river redhorse, wavy-rayed lampmussel and/or black sandshell incidental to the partial removal of the Danville Dam on the Vermilion River in Vermilion County, Illinois, the removal of two abandoned bridge piers just upstream of the Danville Dam and placement of rip-rap bank protection upstream and downstream of the Danville Dam. Further, the Department has concluded that the take authorized herein will not reduce the likelihood of survival or recovery of the bluebreast darter, eastern sand darter, bigeye chub, river redhorse, wavy-rayed lampmussel or black sandshell in the wild within the State of Illinois, the biotic community of which these species are a part, or the habitat essential to the species' existence in Illinois.

All terms and conditions included in the aforementioned conservation plan submitted by OWR to the Department are incorporated into this agreement by reference and are made a part thereof.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5] and the Administrative Rules for the Incidental Taking of Endangered and Threatened Species [Ill. Adm. Code 1080.40(b)], this authorization is issued subject to the following terms and conditions, which may include additions or modifications to the minimization and mitigation measures proposed by the applicant in #2 above:

1. This authorization is effective upon the signature of the Department and shall remain in effect through December 31, 2016, unless terminated by written agreement by both parties.

   This authorization may be revoked pursuant to the Act and Ill. Adm. Code 1080.80(b) if the Department finds that OWR has failed to comply with any of these terms and conditions or has been responsible for the taking of bluebreast darters, eastern sand darters, bigeye chubs, river redhorse, wavy-rayed lampmussels, or black sandshells beyond that which is incidental to partial removal of the Danville Dam on the Vermilion River in Vermilion County, Illinois, the removal of two abandoned bridge piers just upstream of the Danville Dam and placement of rip-rap bank protection upstream and downstream of the Danville Dam.

2. The effective period of this authorization may be altered by mutual written agreement between OWR and the Department. In this event, the Department shall notify the Illinois Endangered Species Protection Board of any such alteration.

   Any substantive changes, including but not limited to a change in the project footprint or a change in the Illinois endangered and threatened species which could potentially be affected, will require that a new conservation plan be submitted to the Department to initiate the review and public notice process as required by the Act.

3. Incidental take authorizations are non-transferable.

4. The Department reserves the right of entry to inspect potential habitat and species management practices.

5. OWR shall ensure that project activities are limited to the smallest possible area and limit in-channel work to dry ground as much as possible. This shall not preclude the placement of stone for bank stabilization or for temporary access to the project site.

6. Throughout project execution, OWR will ensure that those portions of the channel that will be directly affected by project-related activities will be inspected by mussel and fisheries biologists prior to any placement of material or equipment in the channel. In the event that any State-listed fish or mussel species are found, those animals shall be relocated to downstream areas of suitable habitat in at least 12 inches of water. In the event that any State-listed fish or mussel species is found, the Department shall be notified within 48 hours of any relocation.

   Supporting documentation, including maps, shall be submitted to:

   Illinois Department of Natural Resources
   Endangered Species Program – Incidental Take Authorization Coordinator
   One Natural Resources Way
   Springfield, IL 62702-1271
   (217)557-8243
   DNR.ITAcoordinator@illinois.gov

   The Department's Endangered Species Program shall provide all reports required under this agreement to the Illinois Endangered Species Protection Board and to the Illinois Natural Heritage Database.

7. The detonation of underwater explosive charges during bridge pier and dam removal is prohibited. If above-water explosive charges are to be used in bridge pier demolition; demolition of the piers shall precede demolition of the dam, since protected species are less likely to be present in the pool while the dam remains in place. To minimize fish mortality in this Illinois Natural Areas Inventory Site, appropriate means shall be used to attempt to displace fish from the area prior to the detonation of any explosive charge. Appropriate means may consist of the generation of pulsed broadband noise prior to the detonation and of sufficient duration to allow fish to clear the area without causing injury or mortality. Following the detonation, a report shall be prepared detailing any animal mortality (fish, invertebrates, mammals, birds, reptiles, or amphibians) to the species level which becomes apparent within one hour of the detonation; the report shall identify the weight and type of explosives detonated and the time of day. A Department or Illinois Natural History Survey biologist shall be present during detonation and shall provide identification of impacted species. The report shall be submitted to the Department's Endangered Species Program within 60 days of detonation.

8. OWR estimates a temporary disturbance of 4.3 acres of sub-optimal habitat with a resulting increase of 28 acres of newly available potential habitat upstream after this project is complete. The Department's mitigation ratio of 5.5:1 for creation, restoration, or acquisition of State-listed species habitat is exceeded [4.3 acres x 5.5 = 23.65 acres]. Therefore, no further mitigation is requested. The dam removal project is expected to provide conservation benefit for all of the State-listed species that may be incidentally taken.

9. Before project activities begin, OWR will ensure that biologists from the Illinois Natural History Survey will relocate all mussels from the project area to suitable habitat outside of the project area. As dam removal proceeds, portions of the pool upstream of the dam will be dewatered. As water levels recede in the upstream pool, the contractor or biologists will inspect the dewatered area and relocate any mussels or fishes that have been stranded to downstream areas with suitable habitat and at least 12 inches of water. A final search for stranded mussels and fishes will be conducted when dewatering of the upstream pool is complete. A summary report describing the species and numbers of mussels and fishes relocated, including a map of the relocation area for all State-listed species, shall be provided to the Department within 60 days of the completion of each survey/relocation.

10. To document the effects of dam removal on the fish and mussel communities in the Vermilion River, OWR will ensure that staff of Eastern Illinois University and the Illinois Natural History Survey or other qualified contractors approved by the Department conduct a survey in 2016 to detect any changes in the diversity and abundance of fishes and mussels.

    Following completion of the final survey in 2016, a report shall be prepared to summarize and compare the results of all pre-project and post-project surveys. That report shall be provided to the Department within 120 days of the final survey in 2016.

11. Throughout project execution, from commencement to completion, OWR will advise DNR's District Fisheries Biologist or Streams Biologist of the status of the project and allow the biologist to be present for evaluation of methods, searches for stranded fishes and mussels, and other aspects of the project.

12. The OWR official identified below is authorized to execute this agreement. Execution by OWR indicates acceptance of all terms and conditions described in this authorization.

13. The execution of the agreement does not waive or excuse the responsibilities of OWR to comply with other State, Federal of local regulations, including but not limited to obtaining any required permits for the execution of this project.

For the Illinois Department of Natural Resources

Dr. James Herkert, Director
Office of Resource Conservation

4-21-15
Date

For the Office of Water Resources, Department of Natural Resources

Rick Gosch, Manager
Division of Water Resource Planning

April 15, 2015
Date

Illinois Department of
Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

The Illinois Department of Natural Resources Office of Resource Conservation and the Illinois Department of Natural Resources Office of Water Resources hereby agree to extend the Incidental Take Authorization executed on April 21, 2015, for the take of bluebreast darter (*Etheostoma camurum*), eastern sand darter (*Ammocrypta pellucidum*), bigeye chub (*Hybopsis amblops*), river redhorse (*Moxostoma carinatum*), wavy-rayed lampmussel (*Lampsilis fasciola*), and black sandshell (*Ligumia recta*) at the Danville Dam Removal Project pursuant to Condition 2 of the agreement authorized under the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). The deadline shall be extended to December 31, 2021, and all survey and reporting requirement deadlines shall hereby be extended accordingly. All other terms of the Incidental Take Authorization remain in effect and unaltered. It has been determined that (1) the circumstances said to necessitate the change were not reasonably foreseeable at the time the agreement was signed, or (2) the change is in the best interest of State government and authorized by law.

For the Illinois Department of Natural Resources
Office of Resource Conservation

Mr. Christopher L. Young, Director

11/1/16
Date

For the Illinois Department of Natural Resources
Office of Water Resources

Mr. Rick Gosch, Manager
Division of Capital Planning

10/31/16
Date

From: Skufca, Jenny
To: Cattoor, Wes
Cc: Thomas, Trent; Tiemann, Jeremy S
Subject: Danville Dam_ITA#119
Date: Tuesday, February 13, 2018 2:14:03 PM

Wes,

Although the email below of February 5, 2018, is tacked onto an approval to forego an additional mussel relocation effort at the Ellsworth Dam removal (Incidental Take Authorization #111) (ITA); the issue currently presented is completely unrelated to that approval.

It is the Office of Resource Conservation's understanding that no mussel relocation has occurred within the action area of the proposed Danville Dam removal (ITA #119) as required by the ITA that underwent review by both DNR fisheries and INHS malacologists. That said, the issue presented is primarily considered one of safety to personnel during pre-construction mussel relocation. The applicant, the Office of Water Resources (OWR), itself restricts access within 500' upstream of a dam for safety reasons. In addition, the upstream impounded area comprised of approximately 10-foot-deep water is not expected by species experts to harbor imperiled species due to unsuitable habitat. The ITA applicant has received an executed authorization for the potential taking of four listed fish species and two listed mussel species. These are the only protected species expected to be found in the vicinity of the project. Therefore, if take of the those species was to occur incidentally to the project actions, OWR has received appropriate authorization. Due to safety issues and the limited likelihood of listed individuals present due to unsuitability of habitat, the Office of Resource Conservation allows the applicant to conduct mussel and fish relocation and salvage within the project area after dewatering has occurred.

Please let me know if further clarification is warranted. Thank you.

Jenny

Jenny Skufca
Incidental Take Authorization Coordinator
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
(217)557-8243

From: Tiemann, Jeremy S [mailto:jtiemann@illinois.edu]
Sent: Monday, February 05, 2018 5:27 PM
To: Skufca, Jenny <Jenny.Skufca@Illinois.gov>; Cattoor, Wes <Wes.Cattoor@Illinois.gov>
Cc: Thomas, Trent <Trent.Thomas@Illinois.gov>
Subject: [External] RE: Ellsworth Park Mussel Relocation

Jenny,

We (Trent Thomas, Wes Cattoor and myself) are wanting to touch base regarding the Danville Dam removal project. Our first question pertains to the mussel relocation survey prior to construction. The Ellsworth Park Dam relocation was relatively simple, in that the impounded area was somewhat shallow with uniform sandy habitats (e.g., no diving required). The Danville Dam project is a little different in terms of logistics and habitat (deeper and larger impounded area with woody debris throughout). We are wanting clarification that the only mussel surveys prior to construction will occur in areas where project-related activities will occur (see attached PDF 119_OWR_DanvilleDam_executed_ITA_4-21-15 - bullet 6 on page 8). This appears to be a relatively small area (I haven not seen construction plans, but it sounds small), and given our prior work in the impounded area, we might not find much. After the dam is breached, INHS staff will execute salvage from the dewatered areas (bullet 9 on page 9).

We are wanting clarification to help us prepare a budget. I am worried about having to dive. If that is the case, then the costs will increase drastically, and frankly, I will have to reconsider this project.

If INHS does do the work, we are wanting to determine how we might go about including the cost of the mussel relocation for INHS in the budget for the dam removal. Perhaps we could set up something similar that has been done with other ITAs coming to INHS, but I don't know how to include that information in the bid process. Any suggestions?

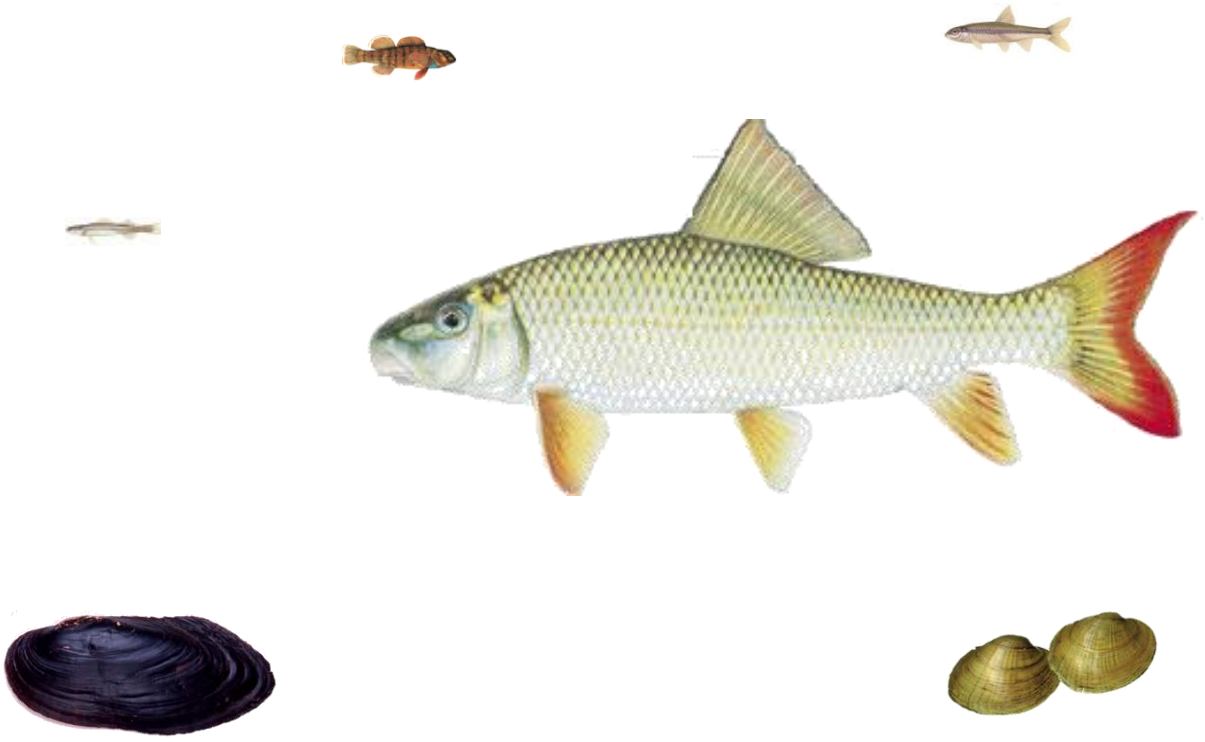
Love to hear your thoughts. Thanks Jenny.

Jeremy Tiemann, Associate Aquatic Ecologist
Illinois Natural History Survey
Prairie Research Institute at the University of Illinois at Urbana-Champaign
Mailing address: 1816 South Oak Street - Champaign, IL 61820
Physical address: 607 East Peabody Drive, NRB Room 96 - Champaign
Office telephone: (217) 244-4594
INHS Fax: (217) 244-0802
Email: jtiemann@illinois.edu
Staff page: http://www.inhs.illinois.edu/~jtiemann

Conservation Plan for

Danville Dam Removal

City of Danville



April 2014

Prepared by: The Illinois Department of Natural Resources, Office of Water Resources

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Bluebreast Darter (Ethostoma camurm)

Bigeye Chub (Hybopsis amblops)

Wavy-rayed Lampmussel (Lampsilis fasciola)

Eastern Sand Darters (Ammocrypta pellucidum)

River Redhorse (Moxostoma carinatum)

Black Sandshell (Ligumia recta)

Images are ~ 1/5 actual size

Contents

Table of Figures

1) DESCRIPTION OF IMPACTS

A) Legal Description

The Danville Dam is located in the City of Danville on the Vermilion River approximately 22 miles upstream of the confluence of the Wabash River. The Danville Dam is located in Section 8 of Township 19 North, Range 11 West of the 2nd Principal Meridian or at -87.631691, 40.122256 Decimal Degrees as shown in Figure 1. The affected property is owned by the City of Danville.

B) Biological Description of Affected Species

BLUEBREAST DARTER

The Bluebreast Darter (*Etheostoma camurum*) is listed as endangered in Illinois (Illinois Endangered Species Protection Board, February 22, 2011). The Bluebreast Darter is a small colorful fish that is usually 2-3 inches and rarely greater than 3.5 inches in length. They have a blunt nose, a dark blue to blue-green coloring with 8 to 12 faint dark vertical bars. Their fins have a dark outer edge outline with a white line inside of that. The males have a blue throat and breast, small red spots along their sides and an orange area on their lower sides. While in breading season, the male will be tinged with an orange-red coloring. Female darters do not have the blue breast and throat, red spots or orange area. They have a duller coloring with a few dark spots on their sides.

The Bluebreast Darter eats aquatic inset larvae, crustaceans and other aquatic invertebrates. They live in clear, fast moving, medium to large streams. They are typically in 4 to 12 inches of water and the adults usually are found near boulders. The known locations of the Bluebreast Darter are New York, Pennsylvania, Virginia, West Virginia, Ohio, Kentucky, Indiana, Tennessee, Alabama and Illinois. Within Illinois, there are 17 recorded occurrences yielding 120 individual Bluebreast Darters. The Illinois Natural History Survey (INHS) estimates the total population based on sampling density and habitat to be approximately 23,000, all in Vermilion County in the tributaries of the Wabash River watershed. A Bluebreast Darter was the only collected threatened and endangered species that was found in the North Fork as shown in Figure 2. Near I-74, south of Danville, two more individuals were sampled totaling a population of 3 in the area of the 120 statewide sampled.

In the summer of 2007, the INHS conducted a survey of the Bluebeast Darter at thirty sites. Seventeen sites produced a total of 79 Bluebreast Darters. All except two were collected in areas of swift moving water where cobble and boulders were present in the stream. They were often found in depths of 3-18 inches. The Middle Fork and Salt Fork contained the highest densities of the species while the main

Figure 1: Location Map

stem had infrequent collections. Spawning was observed during this survey on 22 June 2007 when water temperatures was 24°C. The Bluebreast Darters usually spawn from May to July where the female can lay about 100 eggs. The incubation period is seven to ten days.

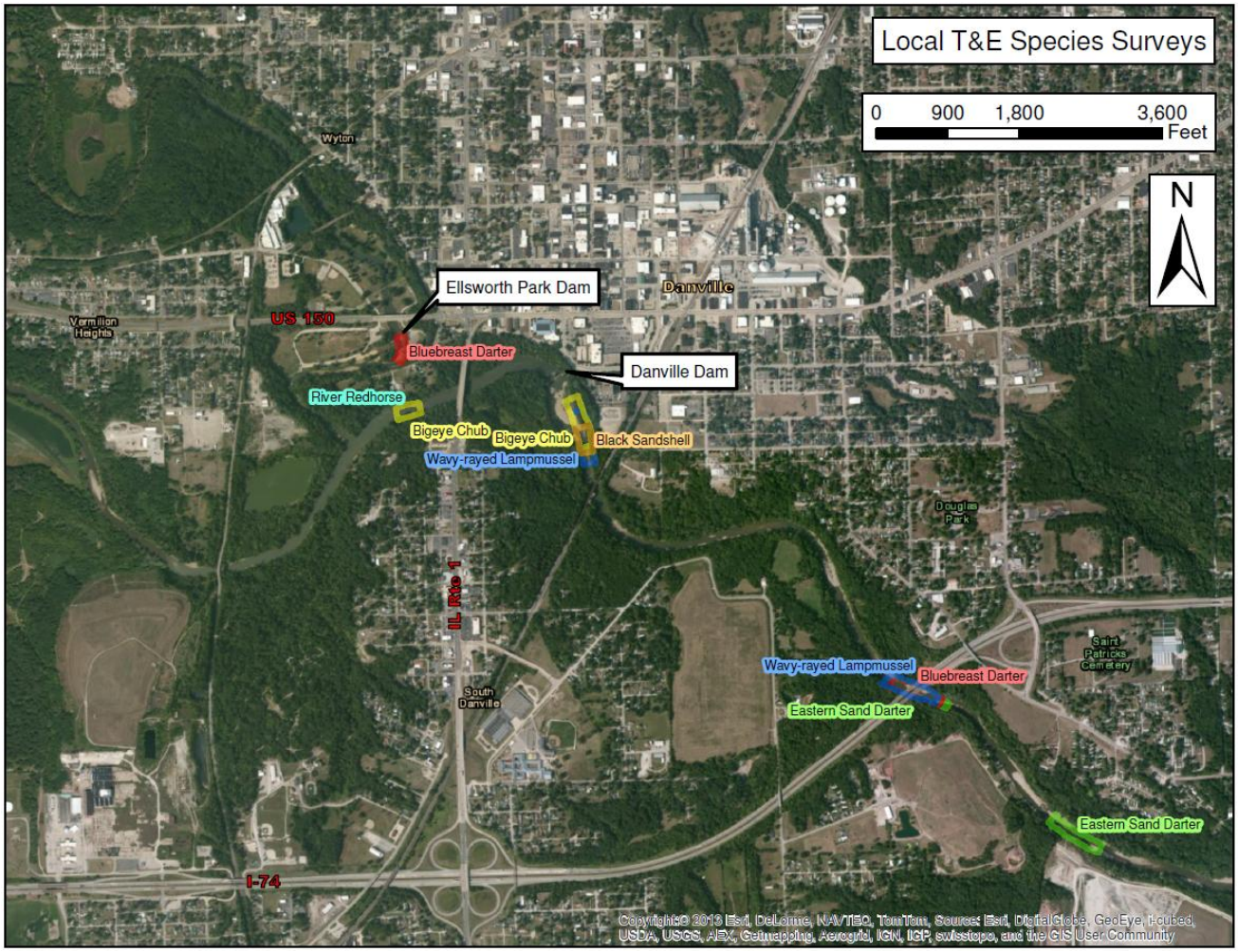


Figure 2: Local T&E Species Surveyed

EASTERN SAND DARTER

The Eastern Sand Darter (*Ammocrypta pellucidum*) is listed as threatened in Illinois (Illinois Endangered Species Protection Board, February 22, 2011). The Eastern Sand Darter is a long and narrow fish that is usually 2-3 inches and rarely greater than 3.5 inches in length. They have a translucent body appearance with white or silver bottom and sides with a yellow or tan color on their back. Their sides have 9-14 olive spots and a pair of 12-16 olive spots on each side of the dorsal fin. The fins are mostly transparent with a yellowish tint. Males and females have the similar colorings while the young are more silvery

and less yellow. The males have a greater yellow coloration and develop breeding tubercles on pelvic fin rays during breeding.

The Eastern Sand Darter primarily consumes midge larvae. The Eastern Sand Darter is predominately found in medium to large streams with sand or sand-gravel bed material. Although they are commonly found in moderate currents some studies show they have a tolerance for greater water depth and velocities as long as sand beds are present, but are highly intolerant of silt or mud covering up clean sand. They are typically located on a depositional bank immediately downstream of a bend. The known locations of the Eastern Sand Darter are Illinois, Kentucky, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Vermont and New York. Within Illinois, there are 36 recorded occurrences yielding 500 individual Eastern Sand Darters. The location of this species are primarily in the Embarras River and its tributaries with a limited amount in the Vermilion River. One fish was sampled near the I-74 Bridge south of Danville in 2003 and two were collected below the Danville Dam in 2011.

Spawning activities of the Eastern Sand Darter are typically between May and September and have only been observed in laboratories. Studies have shown that spawning occurs in water temperatures between 14.4 and 24.4°C and in areas with low silt levels. The male initiates the process by chasing the female. The female then moves to the sandy bed material where the male mounts her and they vibrate to bury their tails in the sand. Other males will often move beside the mating pair and begin vibrating. The eggs are deposited in the sand individually over an area. The female lays an average of 71 eggs.

The average egg size is 1.4mm and are translucent, spherical and adhesive. After spawning there is no parental support. The young hatch at a length of 5.5mm. The males and females mature by the end of the first year while some female may not mature until their second year. The typical life span is 2-3 years with a maximum of 4 years.

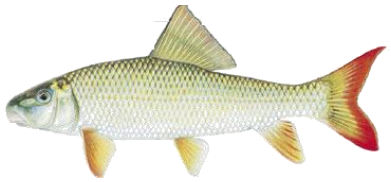
BIGEYE CHUB

The Bigeye Chub (*Hybopsis amblops*) is listed as endangered in Illinois (Illinois Endangered Species Protection Board, February 22, 2011). The Bigeye Chub is a long and narrow fish with a blunt nose that are 2.5-3.5 inches and rarely greater than 4 inches in length. They have large eyes for which they are named and a coloring that is primarily silver with a dark strip that extends from their nose to their tail. Their fins are transparent without any markings.

The Bigeye Chub predominately consumes midge larvae, and are mostly found in small to medium size streams with sandy, gravely or rocky bed material in pools with little to no current near riffles. The Bigeye Chub are highly intolerant of silt or mud covering up clean sand. The known locations of Bigeye Chub are Missouri, Oklahoma, Arkansas, Illinois, Kentucky, Tennessee, Alabama, Georgia, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, Pennsylvania, Rhode Island and New York. Within the Vermilion River system, there were 11 locations that yielded 288 individual Bigeye

Chubs in 2011. The location of this species is primarily on the Vermilion River, the Little Wabash and other small tributaries to the Wabash River. Thirteen fish were collected near the Danville Dam in 2004.

Spawning activities of the Bigeye Chub occur in late spring and early summer, but there is little known about where and how spawning occurs.



RIVER RED HORSE

The River Redhorse (*Moxostoma carinatum*) is listed as threatened in Illinois (Illinois Endangered Species Protection Board, February 22, 2011). This robust, cylindrical sucker may be separated from other suckers by its red tail fin. The dorsal and other fins may also be red or reddish. The dorsal fin has a straight or slightly concave margin and the tail fin has a pointed upper lobe which usually is slightly longer than the rounded lower lobe. Crescent-shaped dark spots may be visible on the scales of the back and sides. Overall body color is olive to brownish across the back, with silvery or bronze sides and a white underside.

Normally inhabitants of medium to large size rivers; they may also enter tributary streams and have been observed in reservoirs. They prefer clean rivers with sand, gravel or cobblestone bottoms and swift currents. Within Illinois, there are 41 recorded occurrences yielding 98 individual River Redhorse. The known Illinois location of this species are Will, Kendall, Livingston, LaSalle, Kankakee, Kane, Grundy, Iroquois and Vermilion Counties. One fish was collected above the Danville Dam in 2013 and 7 were collected below the Danville Dam in 2011.

River Redhorse feed primarily on mollusks such as mussels and snails, and their enlarged, molar-shaped, internal throat teeth are specially adapted for crushing the hard shells. With a vacuum cleaner-like mouth, handily placed at the bottom of its head, the River Redhorse uses its fleshy lips, highly charged with nerve endings, to feel for food. It makes a living picking from the river bottoms, perusing over rubble and slow-water areas of mud and leaf litter, searching primarily for mayflies, caddisflies, and aquatic beetles.

In May and June, when the River Redhorse turns its energies to spawning, all of it turns a brilliant, bright red (they can be at least partially red the rest of the year). The redhorse also develops pearl organs, or tubercles, on its skin around this time. These organs give the skin the coarse, raspy texture needed for spawning. The adults make runs upstream, moving mostly at night to find good breeding habitat. The males move onto the riffles and either excavate gravel with their tails in a sweeping motion or plow through it with their heads, all in an effort to free up silt so oxygen-rich waters can percolate through the gravel where the eggs will incubate.

Facing into the current, males lie in wait for females and when a female approaches, the male darts back and forth to attract the female. Females are attended in the spawning act by one, sometimes two males. The pearl organs allow the male and female to cling together and maintain a station over the excavation while the eggs, thousands of them, are simultaneously fertilized and dropped among the clean gravels.

The parents promptly abandon the area and head back downstream, but soon swarms of newly hatched fish take temporary station in the slow-moving shallows. Here they provide food for predatory fish such as bass and sunfish. Those lucky enough to move into deeper waters could reach two feet long and eight pounds at the end of their 12-year lifespan.

WAVY-RAYED LAMPMUSSEL

The Wavy-rayed Lampmussel (*Lampsilis fasciola*) is listed as endangered in Illinois (Illinois Endangered Species Protection Board, February 22, 2011). The Wavy-rayed Lampmussel is typically 3.5 inches in length with a moderately thick, round to ovate shaped shell. The shell color is yellow to yellowish-green with multiple thin green rays. Females have a rounded anterior and posterior ends while the males have a bluntly pointed posterior.

The Wavy-rayed Lampmussel, like all freshwater mussels, are filter feeders that primarily consume bacteria and algae. The Wavy-rayed Lampmussel are mostly found in clear, small to medium sized streams near riffles with sand or gravel bed material and are sensitive to non-optimal conditions. The known locations of the Wavy-rayed Lampmussel are Illinois, Tennessee, Kentucky, Indiana, Michigan, Ohio, Virginia, West Virginia, Pennsylvania, Alabama, North Carolina, Georgia and New York. Within Illinois, there are 37 recorded occurrences yielding 84 individual Wavy-rayed Lampmussels. The location of this species is primarily in the Vermilion River and its tributaries. A single dead mussel was observed downstream of the Danville Dam in 2005.

Spawning activities of the Wavy-rayed Lampmussel are in August and the larvae are not released until the following summer. The female can produce over 100,000 eggs during the spawning season. The only documented host fish for this mussel is the Smallmouth Bass which has been sampled throughout the project area. The project would likely expand the distribution of the host fish. After they detach from the host, they live among gravel bed material where they likely move less than 400 feet in their lifetime. They have a life span of 10 to 20 years.

BLACK SANDSHELL

The Black Sandshell (*Ligumia recta*) is listed as threatened in Illinois (Illinois Endangered Species Protection Board, February 22, 2011). The Black Sandshell is up to 8 inches in length with a moderately thick, elongated shell. The smooth, shiny exterior portion of the shell is usually a greenish color or black with rays. The inside of the shell is white and fades to a pink or purplish color near posterior. Females have truncated posterior ends while the male have a pointed posterior.

The Black Sandshell are filter feeders that primarily consume bacteria and algae and are mostly found in medium to large rivers in riffle areas streams with sand or gravel bed material. The known locations of the Black Sandshell are throughout much of Canada, the Midwest and Eastern United States. Within Illinois, there are 114 recorded occurrences yielding 388 individual Black Sandshells. The location of this species is throughout the state with large populations on the Mississippi and Rock Rivers. Four individuals were observed in 2005 downstream of the Danville Dam.

Spawning activities of the Black Sandshell are in August and the larvae are not released until the following summer. The male emits sperm into the water and by chance, the female siphons it in to fertilize the eggs resting in the brood pouch. The female holds the glochidia until spring in which they are released through the female's gills and attaches to the gills or fins of the host fish by clamping onto them with their valves. The host fish for this mussel is the Rock Bass, Green Sunfish, Bluegill, Largemouth Bass and White Crappie. All but the Rock Bass have been found primary downstream of the dam with some upstream. The project would likely expand the distribution of these host fish.

The glochidia are 0.23mm long and 0.27mm in height when attaching to the host fish. After they detach from the host, they live among gravel bed material where they live as free-living mussels. They have a life span of several decades to over a century.

C) Description of activities

The project includes the concrete removal of the dam spillway, west abutment and the two abandoned piers. The dam spillway and abutments would likely be removed using a backhoe equipped with a hydraulic hammer. Due to the height of the two abandoned bridge piers to be removed, the contractor will determine the best method of concrete removal.

D) Explanation of the anticipated adverse effects on the listed species

Removal of the dam should not negatively impact these species or contribute to their extirpation. Completion of the dam removal project will have positive impacts of mobility restoration with the dam removed beyond the full depth of the channel. The removed barrier and 28 acres of restored aquatic habitat upstream would promote the expansion of these species. The current habitat in the dam's pool

does not support the majority of these species. This project will improve the habitat and create a more hospitable environment for these species.

There is potential for incidental takings during the demolition of the structure, moving of heavy equipment in the channel or placement of the bank stabilization. Sediment deposition downstream is also considered for a potential taking for mussels. The worse case adverse impact would be a major flood occurring immediately after the removal which would cause sediment accumulations of up to 1.7 feet to occur in an area from 100 to 650 feet downstream of the dam. This was determined using the sediment modeling module in the HEC-RAS program.

Below is an estimate of the number of species taken and the maximum habitat affected.

Bluebreast Darter – Potential of 1 to 3 individuals taken and 4.3 acres of habitat affected. This species has never been sampled within this affected habitat area.

Eastern Sand Darters – Potential of 1 to 3 individuals taken and 4.3 acres of habitat affected. This species has never been sampled within this affected habitat area.

Bigeye Chub – Potential of 1 to 10 individuals taken and 4.3 acres of habitat affected. There were 14 individuals sampled within this affected habitat area.

River Redhorse – Potential of 1 to 5 individuals taken and 4.3 acres of habitat affected. This species has never been sampled within this affected habitat area.

Wavy-rayed Lampmussel – Potential of 1 to 2 individuals taken and 4.3 acres of habitat affected. There were no live samples collected during the last field sampling of this species within this affected habitat area.

Black Sandshell – Potential of 1 to 5 individuals taken and 4.3 acres of habitat affected. There were four live samples collected just below the affected habitat area during the last field sampling.

2) MEASURE TO MINIMIZE AND MITIGATE

A) Plans to minimize the area affected and the number taken

To minimize the area affected by the project, only areas near the dam will be disturbed. The channel banks will be stabilized to protect the area from long term erosion impacts.

Extensive sediment surveying and modeling has been conducted to estimate the impacts to the river ecology as a result of the dam modifications. The sediment upstream is nearly all sand and gravel material. If this material deposits downstream, it would not degrade the fish and mussel habitat. Once the dam is removed the material would likely move during 2-year or larger flood events. Only minor sediment movement is anticipated during the removal of the dam. The work within the channel will be limited to dry ground to the greatest extent possible. Some fill in the channel will be placed for bank

stabilization and to construct a temporary access and haul road. These areas will be inspected by mussel and fishery biologists prior to any placement of material or equipment in the channel.

B) Plans for management of the area

The habitat upstream of the dam is slow moving water with depths of 9 feet to 16 feet. The bed material ranges from gravel to sand. Downstream habitat is shallow swift moving water. Upon completion of the project, the downstream condition will remain the same. The upstream habitat will become similar to what is occurring downstream creating a larger habitat by removing a pool and providing a habitat that is ideal for the species of concern. The removal will allow for these species to extend their habitat upstream of this structure by removing the physical barrier impeding their upstream expansion. Permanently restored river mobility through the dam removal will provide long term benefits to all fish and mussel species and will mitigate any possible short term impacts to these species.

C) Measures implemented to mitigate the effects

The project will seek to minimize the effects rather than mitigate the impacts. To minimize any possible effects of construction on these species, the following measures will be conducted by the participants listed below:

> The Illinois Natural History Survey (INHS) Mussel Biologist at (217) 244-4594 shall be contacted by the contractor upon approval to commence construction activities to schedule relocating mussels outside of the project area prior to any in stream work begins. The IDNR Fisheries Biologist at the Gibson City Field Office (217-784-4730 ext 230) and INHS mussel biologist shall be notified by the contractor 1 week prior to the initiation of any in channel work. Fisheries & mussels biologists shall meet with the contractor prior to construction activities to agree upon removal methods that minimize any potential impacts during the removal. Within 24 hours prior to the dewatering of the pool, the contractor or biologists shall inspect and carefully remove any species within the project area and place them downstream of the project area into water at least 12 inches deep. During and upon completing the dewatering of the pool, the contractor or biologists will again inspect the upstream channel that was previous inundated to confirm no mussels or fish have been trapped in isolated pools or dry channel areas. If any are found, they are to be carefully removed from the area and placed downstream of the project area into water at least 12 inches deep.

With the exception of incidental taking authorization, this project has been reviewed and approved under the Illinois Department of Natural Resources' Comprehensive Environmental Review Process (CERP) to ensure compliance with all applicable federal and state regulations.

D) Plans for monitoring the measures

The Department of Natural Resources, Office of Water Resources (OWR) will have a full time resident construction engineer assigned to the project to oversee construction activities at the site and to assure

compliance with the contract plans and special provisions developed for the work. The resident engineer shall ensure the contractor contacts the IDNR fisheries biologist 1-week prior to in channel work to allow his presence at the time of the pre and post dewatering activities for the inspection of species as described in Section 2C.

The state of Illinois maintains a database of all documented locations and quantities of threatened or endangered species. Additionally, Eastern Illinois University and the Illinois Natural History Survey are conducting pre and post fish and mussel surveys in coordination with the dam removal project. Sampling fish and mussels upstream and downstream of the dam will take place in the spring and fall from 2012 through 2016. This will document the quantities and locations of these species while showing the effects of the construction project over time. A copy of the report will be provided to the IDNR Threatened and Endangered Species incidental take authority.

E) Adaptive practices in place to address unforeseen circumstances

The OWR will have a full time resident construction engineer assigned to the project to oversee construction activities at the site and to assure compliance with the contract plans and special provisions developed for the project. Any changes or unforeseen circumstances that affect the measures instituted to minimize the effects of the work on the listed species will be addressed by the resident construction engineer in consultation with the OWR and the regional biologists.

F) Verification of funding & support for mitigation

The OWR is granted the funding for construction improvements in Public Act 98-0050, Article 31, Section 15. This will cover all contractor costs to implement the project plans. Current Illinois Department of Natural Resources policies mandate that sufficient project funds must be appropriated and released for construction prior to award of a construction contract for the work. Sufficient project funds are available in the OWR appropriations to complete the work described above.

The costs for the fish monitoring and sampling conducted by Eastern Illinois University are covered by a State Wildlife Grant received from the U.S. Fish & Wildlife Service (FWS).

The OWR, or its designated representative, will take responsibility to ensure all tasks within the conservation plan are implemented. The construction resident engineer will be given guidance by IDNR fisheries biologist and the OWR for the QA/QC of incidental taking authorization. Additionally, the biologist and OWR may be available during this critical construction phase to ensure the plan is fully implemented. The contractor will be responsible for executing the mitigation plan.

G) Cost of mitigation measures

Below is a breakdown of costs associated with the mitigation measures.

Fish and Mussel sampling:	$30,000
Resident Engineer during mussel relocation:	$1,280
Biologist & Conservation Plan Developer onsite during relocation:	$3,880
Staff to relocate mussels:	$2,880
Total:	$38,040

3) ANALYSIS OF ALTERNATIVES

OWR has established project requirements for any dam which is owned or being studied by OWR. These requirements are listed below. Additionally, it is the OWR's policy to evaluate dam removal as an alternative anytime dam rehabilitation or reconstruction is considered.

1. Public safety,
2. Ecological improvement to the river, and
3. Development of recreational opportunities.

A) Alternative requirements

PUBLIC SAFETY

The primary purpose of the Danville Dam Removal is to reduce or eliminate the public safety concerns related to the hydraulic roller that forms at this dam under various flow conditions. All alternatives examined, except the "Dam Repair" alternative, address this critical concern and eliminate the potential loss of life from the hydraulic roller by eliminating the condition for all flows.

ECOLOGICAL INTEGRITY

To improve the ecological integrity of the dam site and the river system connectivity, fish passage considerations were incorporated into each alternative. Such passages were designed to pass local fish species without inducing stress and/or discouraging migration, such as velocity barriers, turbulence barriers, and the necessity to climb, jump and/or pass through hidden orifices.

RECREATION

A consideration in the alternative selection was improving recreation at the site. These opportunities could include fishing and non-motorized boating.

B) Identifying alternatives

Alternative 1 – Full Removal: The full dam removal includes removing the entire dam structure, abutments and abandoned west and center piers immediately upstream of the dam. Grading upstream of the dam would be required to transition between the different channel shapes.

Alternative 2 – Partial Removal: The removal of a 120 foot notch in the center of the dam. Bed material and debris behind the notched location would be removed to grade the channel from the downstream elevation to the upstream elevation. Stream stabilization measures would be placed on both channel banks.

Alternative 3 – Stepped Spillway: Five concrete steps would be installed on the downstream face of the dam between the crest elevation and the downstream channel elevation. Rock would be placed in the scour hole and a Denil fish ladder would be installed to provide fish passage.

Alternative 4 – Rock Ramp: Placing a rock ramp at the downstream face of the dam from the crest down to the existing channel bottom at a 5% slope. A 1-foot deep notch would be removed at the center to concentrate the flow to a central location to improve fish passage during lower flows.

Alternative 5 – Dam Repair: Repair the dam to the original design. This includes stabilizing both abutments, repairing the eroded dam cap and repair deteriorating areas of the dam face.

C) Screening alternatives

Alternative 1- Full removal was not considered due to the slope stability concerns of removing the east abutment.

Alternative 3 – Stepped spillway was not selected because it did not fully remove the safety hazard to the public nor did it improve the ecological habitat upstream of the dam. The cost was over two times higher than partial removal.

Alternative 4 – Rock ramp was not selected because it did not fully remove the safety hazard to the public nor did it improve the ecological habitat upstream of the dam. The cost was 50% higher than partial removal.

Alternative 5 – Dam repair was not selected because of the continued potential for loss of life. Additionally, the dam remains as a barrier to these species and creates an unfavorable habitat.

IDNR was sufficiently satisfied with the benefits of Alternative 2 to recommend its implementation. A conceptual layout of this alternative is shown in Figure 3.

4) DATA TO ENSURE THAT TAKING WILL NOT JEOPARDIZE SPECIES

Within the Vermilion River the Bigeye Chub and the Black Sandshell were the only two living species found in the anticipated impact area during the last field survey. The Danville Dam removal in conjunction with the Ellsworth Park Dam removal will open the area of river for increased mobility and better habitat for all species listed. Therefore, the project is likely to enhance, and not jeopardize, the long term survival and recovery of the threatened and endangered species.

The *Fox River Fish Passage Feasibility Study*, dated April 2003, by the Max McGraw Wildlife Foundation is an example of a study recommending reconnection of the river through the removal or modification of all main stem and tributary dams. Benefits of reconnecting rivers may include: elimination of barriers to canoeists and kayakers, enhanced habitat and water quality conditions and corresponding improvements to fish and macro invertebrate communities, improved access by fish to important spawning and nursery habitats in tributaries and stream-side wetlands, repopulation of areas where certain species of fish and mussels no longer exist and genetic mixing in fish and invertebrate populations isolated by dams.

These results stated in the study have been confirmed by the removal of Hofmann Dam in Cook County and the removal of Blackberry Dam in Kendall County. The number of species and quantity of species has increased at both locations. This has been commonly reported in various other states that have completed dam removal projects.

5) IMPLEMENTING AGREEMENT

A) Names of participants in conservation plan

I, Director, Office of Water Resources, certify that the conservation plan will be followed as described within the document and will provide the required project updates and monitoring information.

Signature

4-24-14

Date

B) Responsibilities of participants in conservation plan

RESPONSIBILITIES

The OWR shall observe the activities completed by the contractor as described in the conservation plan and ensure all procedures are being met. OWR shall confirm notification has been made with other participants and prepare and send a summary report with required information as listed in the 'Estimation of Schedules' below regarding the completion of tasks listed in the conservation plan.

ESTIMATION OF SCHEDULES

All dates listed in the schedule are subject to change due to permitting approvals, river conditions or other contingencies due to approvals and site conditions. All scheduled tasks state the previous action that must be completed in parentheses before that task may begin.

January 2015 – Submit fish and mussel pre-monitoring data **to the Incidental Taking Authorization Regulator** (prior to commencing construction).

May 2015 - Notify mussel biologist to relocate mussels in project area. Give **notice to the Incidental Taking Authorization Regulator** (once Incidental Taking Authorization has been received).

August 2015 – Notify mussel and fishery biologists that the removal of the dam will commence in 1 week. Give **notice to the Incidental Taking Authorization Regulator** (Once contracts are completed and the construction schedule is one week from removing the structure).

August 2015 – Confirm mussels and fish are outside the project area, dewater the pool and inspect dried areas and isolated pools for mussels and fish. Give **notice to the Incidental Taking Authorization Regulator** including a summary of quantity per T&E species moved (when these tasks are completed).

November 2015 – Complete all construction activities in the project area. Give **notice to the Incidental Taking Authorization Regulator** (when the construction is complete) including a quantity of T&E species taken during the construction.

C) Assurances of legal authority to perform these actions

City of Danville – The city will provide a resolution approving the Intergovernmental Agreement for the dam removal. The city shall also provide dam ownership documentation to OWR.

IDNR Office of Water Resources – (20 ILCS 805/805-100) The Department has the power to take all measures necessary for the conservation, preservation, distribution, introduction, propagation, and restoration of fish, mussels, frogs, turtles, game, wild animals, wild fowls, and birds.
(Source: P.A. 91-239, eff. 1-1-00.)

D) Assurances of compliance w/ other state regulations

OWR Permit – A permit from the IDNR, Office of Water Resources shall be obtained for construction in a floodway, construction in a public water and the removal of a dam.

404 Permit – A permit from the U.S. Army Corps of Engineers (USACE) shall be obtained for the project ensuring Section 404 of the Clean Water Act is met.

401 Permit - A permit from the Illinois Environmental Protection Agency shall be obtained for the project ensuring Section 401 of the Clean Water Act is met. This may be issued in conjunction with a USACE nationwide permit during the 404 permit process.

NPDES Permit – A NPDES permit number ILR10 from the Illinois Environmental Protection Agency shall be obtained for construction areas that disturb more than 1 acre of ground.

E) Copy of federal authorization for take

Not Applicable.

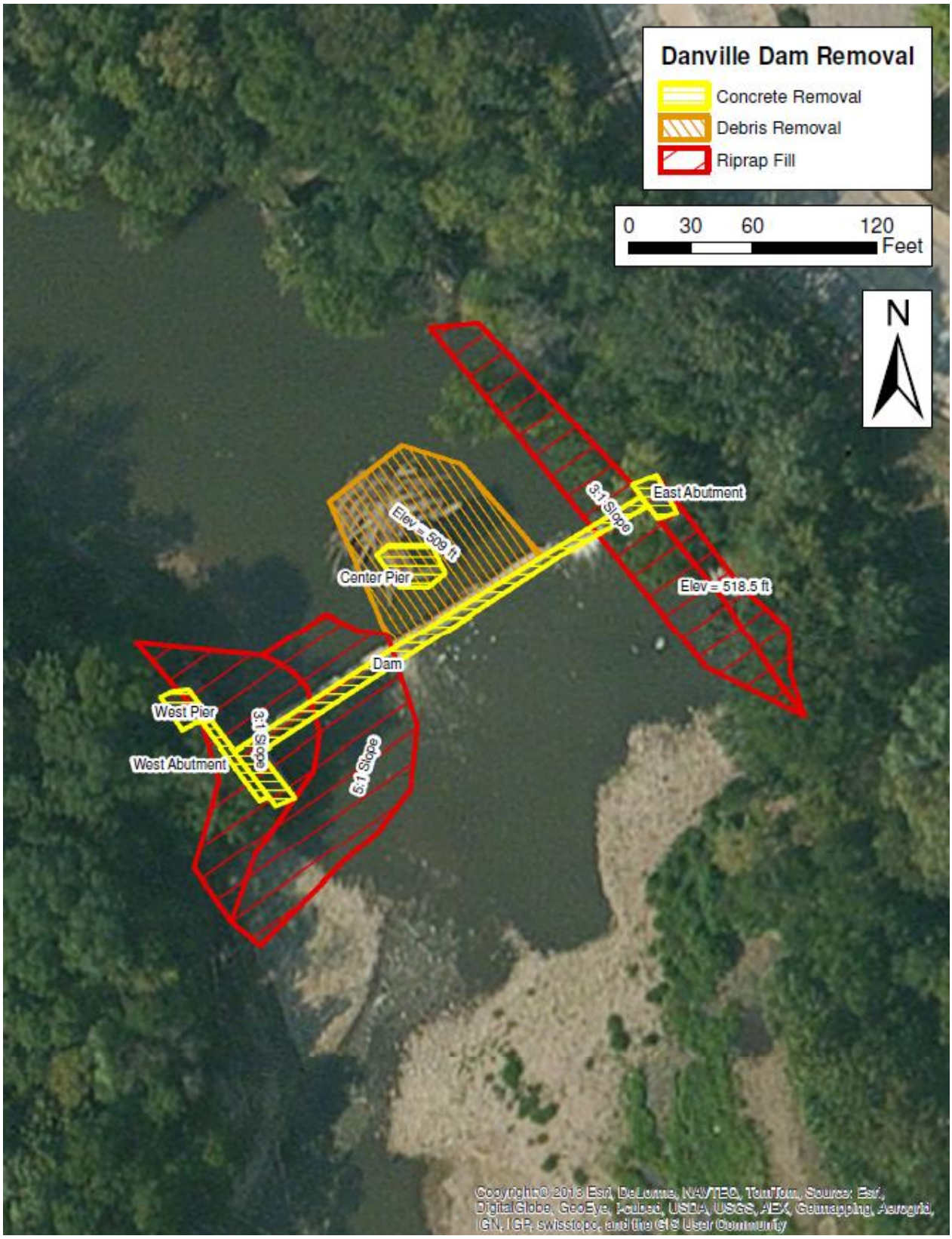


Figure 3: Danville Dam Removal Overview

APPENDIX

- Public Notice

Public Notice

The Illinois Department of Natural Resources (IDNR) has applied for an incidental take authorization regarding the Bluebreast Darter (*Ethostoma camurm*), Eastern Sand Darters (*Ammocrypta pellucidum*), Bigeye Chub (*Hybopsis amblops*), River Redhorse (*Moxostoma carinatum*), Wavy-rayed Lampmussel (*Lampsilis fasciola*) and the Black Sandshell (*Ligumia recta*). The application is based upon the potential for impacts to these species from the Danville Dam removal project located on the Vermilion River in the City of Danville.

1. The mailing address of the Illinois Department of Natural Resources, Office of Water Resources is One Natural Resources Way, Springfield, Illinois 62702-1271.

2. The project is at the Danville Dam in the City of Danville, 0.25 miles downstream of the Illinois Route 1 Bridge. It is Section 8 of Township 19 North, Range 11 West of the 2nd Principal Meridian.

3. Authorization is being requested for incidental take of the above mentioned species due to construction activities required to eliminate the dangerous "roller" effect immediately downstream of the dam by partial removal of the Danville Dam.

4. Measures that will be taken to minimize the effects of the potential incidental taking include construction provisions that require careful collecting and relocation of the mussel species prior to the demolition of the dam in the timely manner noted in the Conservation Plan and the careful release of these mussels back into the Vermilion River, downstream of the project construction limits, into water at least 12 inches deep.

5. A copy of the Conservation Plan is available for review on the Illinois Department of Natural Resources, Office of Water Resources website at http://www.dnr.illinois.gov/WaterResources/Documents/DanvilleDamConservationPlan2014.pdf; and the Danville Public Library, 319 N. Vermilion St., Danville, IL 61832.

6. Comments from the public may be directed to the Illinois Department of Natural Resources, Jenny Skufca, One Natural Resources Way, Springfield, IL 62702 or e-mailed to jenny.skufca@illinois.gov.

7. Any comments made by the public must be received by the Illinois Department of Natural Resources in Springfield, Illinois on or before June 27, 2014.

This notice is being published in the Commercial News in Vermilion County, Illinois and the Breeze Courier, the official State newspaper, once a week for three consecutive weeks beginning May 14, 2014.

Project Code
1009451

Illinois Department of Natural Resources

COMPREHENSIVE ENVIRONMENTAL REVIEW PROCESS

Project Title: Danville & Ellsworth Dam modifications

Site Name: Danville Dam Proposed Start Date: June 2012

Contact Person: Loren Wobig PH#: 217-782-9130 County: Vermilion

Township: 19 N Range: 11 W Section: 7 & 8

Project Description:

The project includes the modification or removal of Ellsworth and Danville Dams, including stream stabilization measures in the areas shown on the attached Exhibit 1.

Funding Source: IDNR Capital Y Heavy Equipment Y Force Account

Other Agency Federal Program

Approval by Site Superintendent: (for all NON-CAPITAL projects, e.g., heavy equipment, force account, leases)

Site Superintendent Date

CERP Staff Only:
REVIEWS PERFORMED

	Approved	Approved with Restrictions	Comments
Threatened & Endangered Species Natural Areas/Nature Preserves		X	Follow provisions
Wetlands	X		of Incidental-
Cultural Resources	X		Take Authorization
Other	X		

Rich Lewis 2-5-14

Rich Lewis, Manager
CERP (217)785-5500
Date

☞This CERP review must be reopened if the proposed action is modified after OREP sign-off☜

Illinois Department of
Natural Resources
One Natural Resources Way Springfield, Illinois 62702-1271
http://dnr.state.il.us

Pat Quinn, Governor
Marc Miller, Director

July 15, 2010

Ms. Anne Haaker
Deputy State Historic Preservation Officer
IHPA: Preservation Services Division
Old State Capitol
Springfield, Illinois 62701

Dear Ms. Haaker:

Pursuant to the requirements of the Illinois State Agency Historic Resources Preservation Act, please review the enclosed information for the following:

PROPERTY: Ellsworth Dam COUNTY: Vermilion
PROJECT: dam removal or modification ENCLOSURE: cerp 1009451

Note: From construction characteristics, the Office of Water Resources estimates the Ellsworth Dam to have been constructed post 1925. The 2nd dam mentioned in this cerp, the Danville Dam, was previously deemed not eligible for the National Register (IHPA letter of February 28, 2007-attached, Log# unknown).

The Illinois Department of Natural Resources asks for Illinois Historic Preservation Agency concurrence in the assessments that the Ellsworth Dam is not eligible for the National Register of Historic Places and that the proposed project does not constitute an adverse effect.

If no reply is received from IHPA within 45 days, IDNR will conclude, as per section 3420/4 of the Act and associated Rules (Section 4180.300 d), that this application is approved and will proceed with the undertaking.

Sincerely,

Harold Hassen, Ph.D.
Cultural Resources Coordinator
Division of Ecosystems and Environment

HH:mbs

enclosure

CONCUR
By: Anne E. Haaker
Deputy State Historic Preservation Officer
Date: 8/6/10

Illinois Department of
Natural Resources
One Natural Resources Way • Springfield, Illinois 62702-1271
http://dnr.state.il.us

Rod R. Blagojevich, Governor
Sam Flood, Acting Director

RECEIVED
MAR - 2 2007
Preservation Services

IHPA REVIEW
H/A _____
AC _____
AR _____
File _____

February 28, 2007

Ms. Anne Haaker
Deputy State Historic Preservation Officer
IHPA: Preservation Services Division
Old State Capitol
Springfield, Illinois 62701

Dear Ms. Haaker:

Pursuant to the requirements of the Illinois State Agency Historic Resources Preservation Act, please review the enclosed digital photographs and historical information on 19 publically owned dams in central, eastern, and northern Illinois that are being evaluated by the Department of Natural Resources as part of a dams' safety study. Information on each dam is attached to this letter.

The IDNR seeks IHPA concurrence in the assessment that of these 19 dams, only the Oregon, St. Charles, Kimball Street, and William G. Stratton dams are structures that are potentially eligible for listing on the National Register of Historic Places. The IDNR asks also for IHPA concurrence in the recommendation that these structures should be further investigated if they are to be impacted by the project.

If no reply is received from IHPA within 45 days, IDNR will conclude, as per section 3420/4 of the Act and associated Rules (Section 4180.300 d), that this application is approved and will proceed with the undertaking.

Sincerely,

Harold Hassen, Ph.D.
Cultural Resources Coordinator
Division of Ecosystems and Environment

HH:mbs

CONCUR
By: Anne E. Haaker
Deputy State Historic Preservation Officer
Date: SSH 4/26/07

DEPARTMENT OF
NATURAL RESOURCES
MAY 07 2007
OREP

Algonquin Dam (cerp 0708672), located on the Fox River at State river mile 82.61, Station 4361+70, is within the Algonquin city limits, McHenry County, Illinois. This is an ogee-style concrete dam, 300 feet long and 9 feet tall (see jpeg 0008). It was built by the State in 1946-1947, at which time an older dam, just to the north, was removed. There had been mill dams at this location since about 1854.

A new flood gate was constructed on the western end of the dam in 2001, with repairs to the spillway at that time (see jpeg 13140003). This is a common ogee-style dam, and it is recommended as not eligible for the National Register of Historic Places.

William G. Stratton Lock and Dam (cerp 0708673) is also known as the McHenry Dam and is pending legislation for name change to William G. Stratton - Thomas A. Bolger Lock and Dam. This complex consists of two dam structures and a lock, all located on the Fox River in McHenry, Illinois, in McHenry County at State River mile 98.94, Station 5244+20.

The original dam at this location was a temporary structure made by steamboat operators to raise the water level for boating. The first permanent dam was built out of wood in 1907 and replaced with steel in 1912. A concrete lock was added on the east side of the dam in 1914. The lock and dam were turned over to the state in 1923.

The current 6.5' tall, broad crest spillway dam (see jpegs 4, 12, 237X) is 275 foot long and was constructed in 1939 under State Division of Waterways contract FR-14 (and possibly with involvement by the Civilian Conservation Corps). A gate control structure was part of the 1939-1940's construction. At that time, the 1914 lock was removed and was not rebuilt and opened again until 1960. Stone facing on dam structures was done in 1943 and 1945 (see jpegs 13 and 16). The control gates were rehabilitated in the 1970s. Flood control gates and lock retaining wall work was done in 2001-2002 (see jpegs 828X, 829X, 3, 5, and 7).

This facility is the only working lock on the Fox River and as such has state and local significance. It is recommended that the dam and appurtenances be investigated as potentially eligible for listing on the National Register.

Petersburg Dam (0708649), is located in the Sangamon River in Petersburg, Menard County, Illinois. This low-head dam is popular with kayakers as a white-water run. The broken portions of the dam (abutments?) appearing above waterline at the shorelines appear to be spalled concrete slabs (see jpegs 10 and 12). No information is available on the construction history of this dam. Given current condition, it is recommended as not eligible for the National Register.

Riverside Dam (0708651), is located on the Sangamon River in Springfield, Sangamon County, IL. The dam appears, in 2006 photographs, to be breached. Only concrete dam buttresses and stacked stone retaining walls are visible above the waterline (see jpegs 14, 16). The dam is recommended as not eligible for the National Register.

Danville Dam (cerp 0708648) is located on the Vermilion River in Danville, Vermilion County, Illinois. This concrete, low-head, overflow dam likely dates from around the turn of the twentieth century (see jpegs 2004-004; 12, 13). The bridge (railway?) abutments on the upstream side of the dam are stamped 1906 (see jpeg 0003). The eastern section of the channel is stagnant and the downstream face of the dam is exposed. Here, the dam construction shows it is a concrete, rectangular, broad-crest dam. The face is spalled and the dam breached. It is recommended that the dam be considered not eligible for listing on the National Register of Historic Places.

p 4 of 4

Project Code
1009451

Illinois Department of Natural Resources

COMPREHENSIVE ENVIRONMENTAL REVIEW PROCESS

Project Title: Danville & Ellsworth Dam modifications

Site Name: Danville Dam Proposed Start Date: June 2012

Contact Person: Loren Wobig PH#: 217-782-9130 County: Vermilion

Township: 19 N Range: 11 W Section: 7 & 8

Project Description:

The project includes the modification or removal of Ellsworth and Danville Dams, including stream stabilization measures in the areas shown on the attached Exhibit 1.

Funding Source: IDNR Capital Y Heavy Equipment Y Force Account

Other Agency Federal Program

Approval by Site Superintendent: (for all NON-CAPITAL projects, e.g., heavy equipment, force account, leases)

Site Superintendent Date

CERP Staff Only:
REVIEWS PERFORMED

	Approved	Approved with Restrictions	Comments
Threatened & Endangered Species Natural Areas/Nature Preserves		X	Follow provisions
Wetlands	X		of Incidental-
Cultural Resources	X		Take Authorization
Other	X		

Rich Lewis 2-5-14 / 3-24-16

Rich Lewis, Manager
CERP (217)785-5500 Date

This CERP review must be reopened if the proposed action is modified after OREP sign-off

Project Code
1009451

Illinois Department of Natural Resources

COMPREHENSIVE ENVIRONMENTAL REVIEW PROCESS

Project Title: Danville & Ellsworth Dam modifications

Site Name: Danville Dam Proposed Start Date: June 2012

Contact Person: Loren Wobig PH#: 217-782-9130 County: Vermilion

Township: 19 N Range: 11 W Section: 7 & 8

Project Description:

The project includes the modification or removal of Ellsworth and Danville Dams, including stream stabilization measures in the areas shown on the attached Exhibit 1.

Funding Source: IDNR Capital Y Heavy Equipment Y Force Account

Other Agency Federal Program

Approval by Site Superintendent: (for all NON-CAPITAL projects, e.g., heavy equipment, force account, leases)

Site Superintendent Date

CERP Staff Only:
REVIEWS PERFORMED

	Approved	Approved with Restrictions	Comments
Threatened & Endangered Species Natural Areas/Nature Preserves		X	Follow provisions
Wetlands	X		of Incidental-
Cultural Resources	X		Take Authorization
Other	X		

Rich Lewis 2-5-14 / 3-24-16 / 1-10-18 RC

Rich Lewis, Manager
CERP (217)785-5500

Date

This CERP review must be reopened if the proposed action is modified after OREP sign-off

ILLINOIS
DEPARTMENT OF
NATURAL RESOURCES
Office of Water Resources

Storm Water Pollution Prevention Plan

Project Danville Dam Removal and Bank Stabilization Year 2018

City Danville, Illinois Project No. FR - 441

County Vermilion

This plan has been prepared to comply with the provisions of the NPDES Permit Number ILR10, issued by the Illinois Environmental Protection Agency for storm water discharges from Construction Site Activities.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Ted Monthey
Signature

3/20/18
Date

Chief of Design and Construction
Title

1. Site Description

a. The following is a description of the construction activity which is the subject of this plan (use additional pages, as necessary):

The work involves partial removal of an existing low head dam, removing existing debris from below the U.S. Route 150 bridge over the Vermilion River, and placing suitable material for bank stabilization and stone toe stabilization within the project area. The work includes but is not limited to approximately 1,743 cu yds of channel excavation; 3,414 tons of aggregate for temporary access; 1,436.7 cu yds of concrete removal; 163 cu yds of debris removal; 432 cu yds of organic debris removal; 3.15 acres of seeding, mulching and fertilizing; 3 causeways; and 9,582 cu yds of stone dumped riprap, class A4.

b. The following is a description of the intended sequence of major activities which will disturb soils for major portions of the construction site, such as grubbing, excavation and grading (use additional pages, as necessary):

This job will require: tree removal and grubbing; access road construction; causeway construction; concret dam removal; concrete bridge pier removal; placement of riprap for bank stabilization; seeding and BMP's for erosion control.

c. The total area of the construction site is estimated to be 4.5 acres.

The total area of the site that it is estimated will be disturbed by excavation, grading or other activities is 4.5 acres.

d. The estimated runoff curve numbers of the various areas of the site after construction activities are completed are estimated to be 0.35.

e. The plan documents, hereby incorporated by reference, contain site map(s) indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of major soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters, and locations where storm water is discharged to a surface water.

f. The names of receiving water(s) at the site are in the plan documents which are incorporated by reference as a part of this plan.

2. Controls

This section of the plan addresses the various controls that will be implemented for each of the major construction activities described in 1.b. above. For each measure discussed, the contractor that will be responsible for its implementation is indicated. Each such contractor has signed the required certification on forms which are attached to, and a part of, this plan:

a. Erosion and Sediment Controls

(i) Stabilization Practices. Provided below is a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans will ensure that existing vegetation is preserved where attainable and disturbed portions of the site will be stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, other appropriate measures. Except as provided in 2.a.(i)(A) and 2.b., stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased on all disturbed portions of the site where construction activity will not occur for a period of 21 or more calendar days.

(A) where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable thereafter.

Description of Stabilization Practices (use additional pages, as necessary):

Tree removal will be limited to the removal of only those trees necessary to complete construction. Temporary erosion control seeding will be applied to erodible / bare areas every seven days to minimize the amount of exposed surface area within the contract limits in accordance with the Standard Specifications. At the completion of the final grading and shaping, the Contractor will apply permanent seeding, mulching and fertilizing as shown in the contract plans, the Summary of Quantities or as directed by the Resident Engineer.

(ii) **Structural Practices.** Provided below is a description of structural practices that will be implemented, to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions and temporary or permanent sediment basins. The installation of these devices may be subject to Section 404 of the Clean Water Act.

Description of Structural Practices (use additional pages, as necessary):

Prior to any construction activities, the Contractor will install Perimeter Erosion Barrier and Stabilized Construction Entrances at locations shown on the plans or as directed by the Resident Engineer to prevent sediment from discharging off of the limits of the working area. The contractor will also install the following temporary erosion control devices during the construction activity; perimeter erosion barrier, floating turbidity barrier, temporary seeding, mulching and/or erosion control blanket. Permanent erosion control measures installed during construction of this project include Stone Riprap, Class A4 and Seeding, Mulching, and Fertilizing.

b. Storm Water Management

Provided below is a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the Clean Water Act.

(I) Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on site; and sequential systems (which combine several practices). **The practices selected for implementation were determined on the basis of the technical guidance in Section 10-300 (Design Considerations) in Chapter 10 (Erosion and Sedimentation Control) of the Illinois Department of Transportation Drainage Manual. If practices other than those discussed in Section 10-300 are selected for implementation or if practices are applied to situations different from those covered in Section 10-300, the technical basis for such decisions will be explained below.**

(ii) Velocity dissipation devices will be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).

Description of Storm Water Management Controls (use additional pages, as necessary):

Stone Dumped Riprap will be utilized throughout the project to stabilize the river banks and to reduce erosion. Perimeter Erosion Barrier and Floating Turbidity Barriers will be placed at locations shown on plans to trap sediment and slow/spread the flow of runoff in the construction area.

c. Other Controls

(i) Waste Disposal. No solid materials, including building materials, shall be discharged into Waters of the State, except as authorized by a Section 404 permit.

(ii) The provisions of this plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.

d. Approved State or Local Plans

The management practices, controls and provisions contained in this plan will be in accordance with IDOT specifications, which are at least as protective as the requirements contained in the Illinois Environmental Protection Agency's Illinois Urban Manual, 1995. Procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials shall be described or incorporated by reference in the space provided below. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI to be authorized to discharge under permit ILR10 incorporated by reference and are enforceable under this permit even if they are not specifically included in the plan.

Description of procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials:

The management practices, controls and other provisions in this plan are in accordance with IDOT Standard Specifications for Road and Bridge Construction and the Illinois Urban Manual.

3. Maintenance

The following is a description of procedures that will be used to maintain, in good and effective operating conditions, vegetation, erosion and sediment control measures and other protective measures identified in this plan (use additional pages, as necessary):

The Contractor will be responsible for installing and maintaining the erosion control systems in accordance with the plans, special provisions, Illinois Urban Manual, Illinois Department of Transportation Standard Specifications, the current edition of the "Supplemental Specifications and Recurring Special Provisions" and as directed by the Engineer. The following additional procedures will be implemented by the Contractor as directed by the Engineer.

The Stabilized construction entrance shall be maintained to prevent tracking of sediment onto public streets. This will be done by top dressing with additional aggregate, removal and replacement of top surface and/or washing. Any sediment that is found on the street will be removed immediately.

Any damaged silt filter fence shall be restored or replaced as needed and temporary and permanently seeded areas will be maintained at the direction of the Engineer.

Any damaged floating turbidity barrier shall be restored or removed and replaced as needed. This operation shall not produce an increase in turbidity within the river.

4. Inspections

Qualified personnel shall inspect disturbed areas of the construction site which have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site. Such inspections shall be conducted at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, the description of potential pollutant sources identified in section 1 above and pollution prevention measures identified in section 2 above shall be revised as appropriate as soon as practicable after such inspection. Any changes to this plan resulting from the required inspections shall be implemented within 7 calendar days following the inspection.

c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of this storm water pollution prevention plan, and actions taken in accordance with section 4.b. shall be made and retained as part of the plan for at least three (3) years after the date of the inspection. The report shall be signed in accordance with Part VI. G of the general permit.

d. If any violation of the provisions of this plan is identified during the conduct of the construction work covered by this plan, the Resident Engineer or Resident Technician shall complete and file an "Incidence of Noncompliance" (ION) report for the identified violation. The Resident Engineer or Resident Technician shall use forms provided by the Illinois Environmental Protection Agency and shall include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. All reports of noncompliance shall be signed by a responsible authority in accordance with Part VI. G of the general permit.

The report of noncompliance shall be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Compliance Assurance Section
1021 North Grand East
Post Office Box 19276
Springfield, Illinois 62794-9276

5. Non-Storm Water Discharges

Except for flows from fire fighting activities, sources of non-storm water that is combined with storm water discharges associated with the industrial activity addressed in this plan must be described below. Appropriate pollution prevention measures, as described below, will be implemented for the non-storm water component(s) of the discharge. (Use additional pages as necessary to describe non-storm water discharges and applicable pollution control measures).

Page 7
N/A

ILLINOIS
DEPARTMENT OF
NATURAL RESOURCES
Office of Water Resources

Contractor Certification Statement

This certification statement is a part of the Storm Water Pollution Prevention Plan for the project described below, in accordance with NPDES Permit No. ILR10, issued by the Illinois Environmental Protection Agency on May 14, 1998.

Project Information:

Project Danville Dam Removal and Bank Stabilization Location Vermilion river

City Danville Project No. FR-441

County Vermilion

I certify under penalty of law that I understand the terms of the general National Pollutant Discharge Elimination System (NPDES) permit (ILR 10) that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Signature Date

Title

Name of Firm

Street Address

City State

Zip Code

Telephone Number

BDE 2342a

Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

Division of Water Pollution Control
Notice of Intent (NOI) for General Permit
to Discharge Storm Water Associated with Construction Site Activities

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at the above address.

For Office Use Only

Permit No. ILR10 _____

OWNER INFORMATION

Company/Owner Name: City of Danville

Mailing Address: 17 West Main street Phone: 217-431-2400

City: Danville State: IL Zip: 61832 Fax:

Contact Person: Scott Eisenhaur E-mail: mayor@cityofdanville.org

Owner Type (select one) City

MS4 Community: ☑ Yes ○ No

CONTRACTOR INFORMATION

Contractor Name:

Mailing Address: Phone:

City: State: Zip: Fax:

CONSTRUCTION SITE INFORMATION

Select One: ◉ New ○ Change of information for: ILR10 _____

Project Name: Danville Dam Removal and Bank Stabilization County: Vermilion

Street Address: City: Danville IL Zip: 61832

Latitude:	40	07	20.28	Longitude:	87	37	53.76	8	19N	11W
	(Deg)	(Min)	(Sec)		(Deg)	(Min)	(Sec)	Section	Township	Range

Approximate Construction Start Date May 21, 2018 Approximate Construction End Date Dec 31, 2018

Total size of construction site in acres: 4.5

If less than 1 acre, is the site part of a larger common plan of development?

○ Yes ○ No

Fee Schedule for Construction Sites:
Less than 5 acres - $250
5 or more acres - $750

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Has the SWPPP been submitted to the Agency? ☑ Yes ○ No

(Submit SWPPP electronically to: epa.constilr10swppp@illinois.gov)

Location of SWPPP for viewing: Address: 1 Natural Resources Way City: Springfield

SWPPP contact information:

Contact Name: Ted Montrey

Inspector qualifications: P.E.

Phone: 217-782-4439 Fax: 217-785-5014 E-mail: ted.montrey@illinois.gov

Project inspector, if different from above

Inspector's Name: V3 Companies of Illinois

Inspector qualifications: P.E.

Phone: 630-724-9200 Fax: 630-724-9202 E-mail:

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

TYPE OF CONSTRUCTION (select one)

Construction Type Transportation

SIC Code: _____

Type a detailed description of the project:

The Work generally includes (but is not limited to) furnishing all labor, materials, tools, equipment and supervision necessary to:

1. Provide and maintain necessary site soil erosion and sediment control for proposed construction area.
2. Remove existing dam as represented in construction plans.
3. Remove existing debris from various locations as shown in the plans.
4. Provide and place suitable material for channel bank stabilization and stone toe stabilization

HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE

Has the project been submitted to the following state agencies to satisfy applicable requirements for compliance with Illinois law on:

Historic Preservation Agency	☑ Yes	○ No
Endangered Species	☑ Yes	○ No

RECEIVING WATER INFORMATION

Does your storm water discharge directly to: ☑ Waters of the State or ☐ Storm Sewer

Owner of storm sewer system: _____

Name of closest receiving water body to which you discharge: Vermilion River

Mail completed form to: Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
or call (217) 782-0610
FAX: (217) 782-9891

Or submit electronically to: epa.constilr10swppp@illinois.gov

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring program plan, will be complied with.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Ted Montrey
Owner Signature:

3/20/18
Date:

Ted Montrey
Printed Name:

Chief of Design and Construction
Title:

INSTRUCTIONS FOR COMPLETION OF CONSTRUCTION ACTIVITY NOTICE OF INTENT (NOI) FORM

Submit original, electronic or facsimile copies. Facsimile and/or electronic copies should be followed-up with submission of an original signature copy as soon as possible. Please write "copy" under the "For Office Use Only" box in the upper right hand corner of the first page.

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
or call (217) 782-0610

FAX: (217) 782-9891

Or submit electronically to: epa.constilr10swppp@illinois.gov

Reports must be typed or printed legibly and signed.

Any facility that is not presently covered by the General NPDES Permit for Storm Water Discharges From Construction Site Activities is considered a new facility.

If this is a change in your facility information, renewal, etc., please fill in your permit number on the appropriate line, changes of information or permit renewal notifications do not require a fee.

NOTE: FACILITY LOCATION IS NOT NECESSARILY THE FACILITY MAILING ADDRESS, BUT SHOULD DESCRIBE WHERE THE FACILITY IS LOCATED.

Use the formats given in the following examples for correct form completion.

	Example	Format
Section	12	1 or 2 numerical digits
Township	12N	1 or 2 numerical digits followed by "N" or "S"
Range	12W	1 or 2 numerical digits followed by "E" or "W"

For the Name of Closest Receiving Waters, do not use terms such as ditch or channel. For unnamed tributaries, use terms which include at least a named main tributary such as "Unnamed Tributary to Sugar Creek to Sangamon River."

Submission of initial fee and an electronic submission of Storm Water Pollution Prevention Plan (SWPPP) for Initial Permit prior to the Notice of Intent being considered complete for coverage by the ILR10 General Permits. Please make checks payable to: Illinois EPA at the above address.

Construction sites with less than 5 acres of land disturbance - fee is $250.

Construction sites with 5 or more acres of land disturbance - fee is $750.

SWPPP should be submitted electronically to: epa.constilr10swppp@illinois.gov. When submitting electronically, use Project Name and City as indicated on NOI form.

SOILS INFORMATION

The following pages contain soils data pertaining to the Danville Dam Removal location from a sediment sampling and analysis report based on soil samples taken in 2011. This information is included for the CONTRACTOR's information. VR-US-1 is the sampling location closest to the Danville Dam Removal Project on the upstream side of the dam. Additional data is available upon request.

Appendix B – Sediment Sampling and Coring Locations

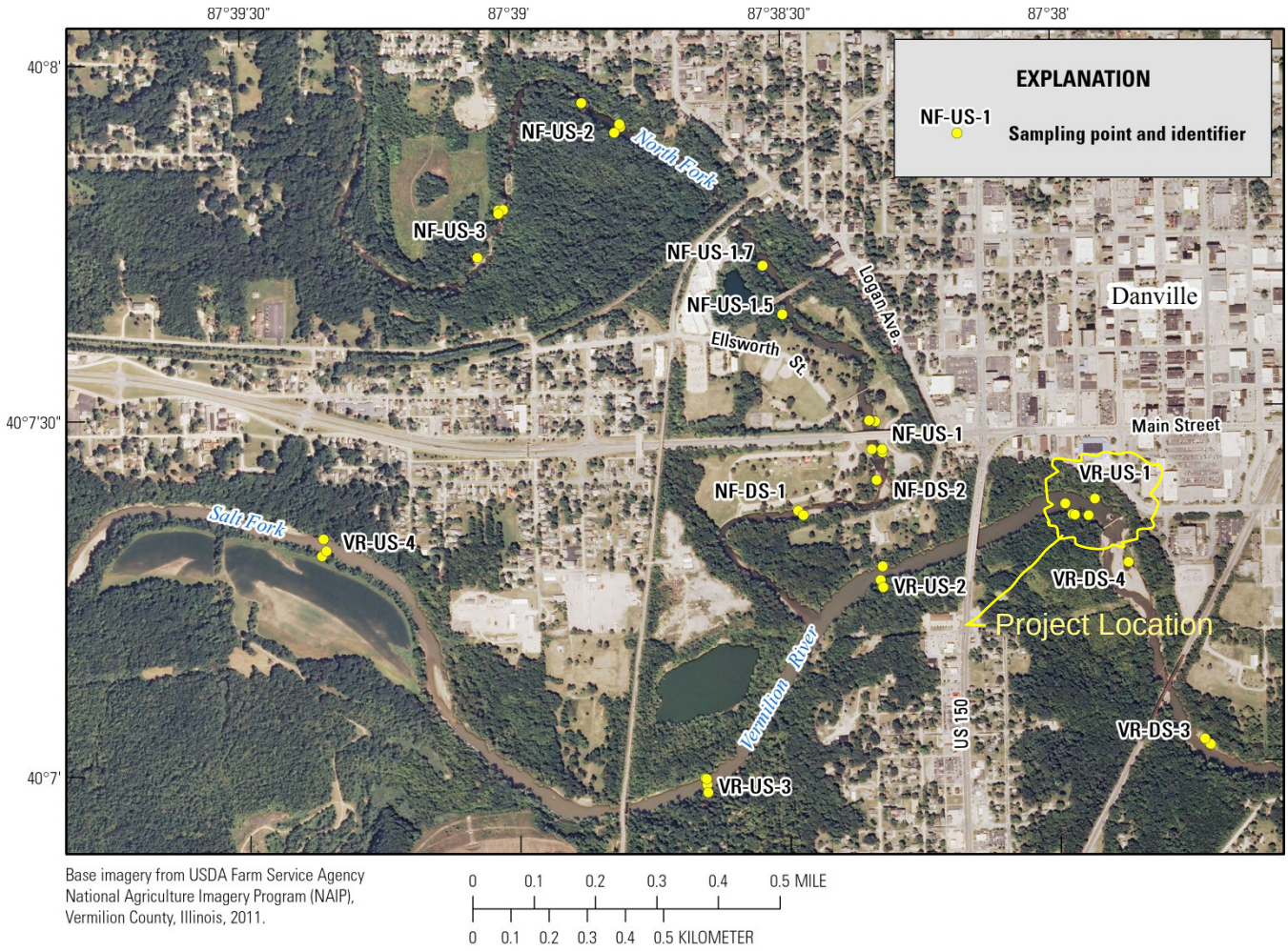


Figure B1. Sediment bed material sampling and (or) coring locations on the Vermilion and North Fork Vermilion Rivers near Danville, Illinois

Table B1. Sediment bed material sampling and (or) coring locations on the Vermilion and North Fork Vermilion Rivers near Danville, Illinois

Location	Sample Number	Latitude	Longitude
NF-DS-1	Sample 119	40.12261	-87.64116
NF-DS-1	Sample 120	40.12272	-87.64132
NF-DS-1	Sample 35	40.12261	-87.64116
NF-DS-2	Sample 45	40.12340	-87.63888
NF-US-1	Sample 129 0-0.45'	40.12413	-87.63870
NF-US-1	Sample 130 0.45-1.8'	40.12413	-87.63870
NF-US-1	Sample 131	40.12406	-87.63869
NF-US-1	Sample 132	40.12478	-87.63890
NF-US-1	Sample 133	40.12481	-87.63906
NF-US-1	Sample 2 0.45-1.8'	40.12413	-87.63870
NF-US-1	Sample 3	40.12413	-87.63902
NF-US-1	Sample 7	40.12481	-87.63908
NF-US-1.5	Sample 134	40.12732	-87.64172
NF-US-1.7	Sample 127	40.12848	-87.64230
NF-US-2	Sample 11	40.13235	-87.64783
NF-US-2	Sample 124	40.13164	-87.64683
NF-US-2	Sample 125	40.13177	-87.64663
NF-US-2	Sample 126	40.13183	-87.64666
NF-US-3	Sample 12	40.12875	-87.65111
NF-US-3	Sample 121	40.12986	-87.65044
NF-US-3	Sample 122	40.12978	-87.65044
NF-US-3	Sample 123	40.12875	-87.65111
NF-US-3	Sample 15	40.12987	-87.65029
VR-DS-3	Sample 115	40.11724	-87.62886
VR-DS-3	Sample 116	40.11711	-87.62870
VR-DS-3	Sample 39	40.11709	-87.62866
VR-DS-4	Sample 117	40.12141	-87.63113
VR-DS-4	Sample 118	40.12140	-87.63114
VR-US-1	Sample 104 0-0.8'	40.12253	-87.63277
VR-US-1	Sample 105 0.8-1.8'	40.12253	-87.63277
VR-US-1	Sample 106	40.12255	-87.63285
VR-US-1	Sample 107	40.12251	-87.63235
VR-US-1	Sample 108	40.12290	-87.63215
VR-US-1	Sample 22 0.8-1.8'	40.12253	-87.63277
VR-US-1	Sample 26	40.12279	-87.63307
VR-US-2	Sample 101	40.12138	-87.63873
VR-US-2	Sample 102 0-2.8'	40.12090	-87.63873
VR-US-2	Sample 103 2.8-4.0'	40.12090	-87.63873
VR-US-2	Sample 29 2.8-4.0'	40.12090	-87.63873
VR-US-2	Sample 30	40.12107	-87.63880
VR-US-3	Sample 112	40.11614	-87.64422
VR-US-3	Sample 113	40.11648	-87.64430
VR-US-3	Sample 114	40.11646	-87.64426
VR-US-3	Sample 31	40.11633	-87.64424
VR-US-4	Sample 109 0-1.4'	40.12221	-87.65598
VR-US-4	Sample 110 1.4-1.8'	40.12221	-87.65598
VR-US-4	Sample 111	40.12193	-87.65589
VR-US-4	Sample 18 1.4-1.8	40.12221	-87.65598
VR-US-4	Sample 19	40.12193	-87.65589
VR-US-4	Sample 20	40.12181	-87.65603

VR-US-1

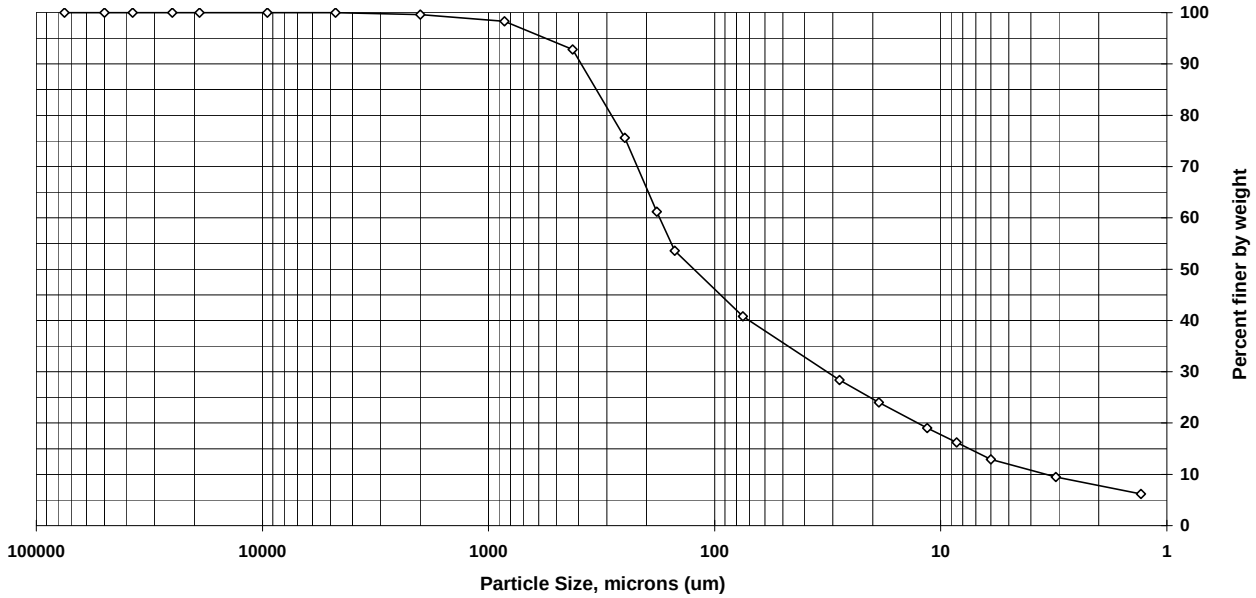
Particle Size of Soils by ASTM D422

				Date Received:	06/16/11
Sample ID:	VR-US-1-SAMPLE 22 0.	**Percent Solids:**	75.9%	**Start Date:**	06/29/11
Lab ID:	280-17173-A-4	**Specific Gravity:**	2.650	**End Date:**	07/09/11

Shape (> #10): subrounded

Non-soil material: plant

Hardness (> #10): hard



Sieve size	Particle size, um	Percent finer	Incremental percent
3 inch	75000	100.0	0.0
2 inch	50000	100.0	0.0
1.5 inch	37500	100.0	0.0
1 inch	25000	100.0	0.0
3/4 inch	19000	100.0	0.0
3/8 inch	9500	100.0	0.0
#4	4750	100.0	0.0
#10	2000	99.6	0.4
#20	850	98.3	1.3
#40	425	92.8	5.5
#60	250	75.6	17.2
#80	180	61.2	14.4
#100	150	53.6	7.6
#200	75	40.8	12.8
Hyd1	28	28.4	12.4
Hyd2	18.8	24.0	4.4
Hyd3	11.5	19.0	5.0
Hyd4	8.5	16.2	2.8
Hyd5	6	12.9	3.3
Hyd6	3.1	9.5	3.4
Hyd7	1.3	6.2	3.3

Soil Classification	Percent of sample
Gravel	0.0
Sand	59.2
Coarse Sand	0.4
Medium Sand	6.8
Fine Sand	52.0
Silt	27.9
Clay	12.9

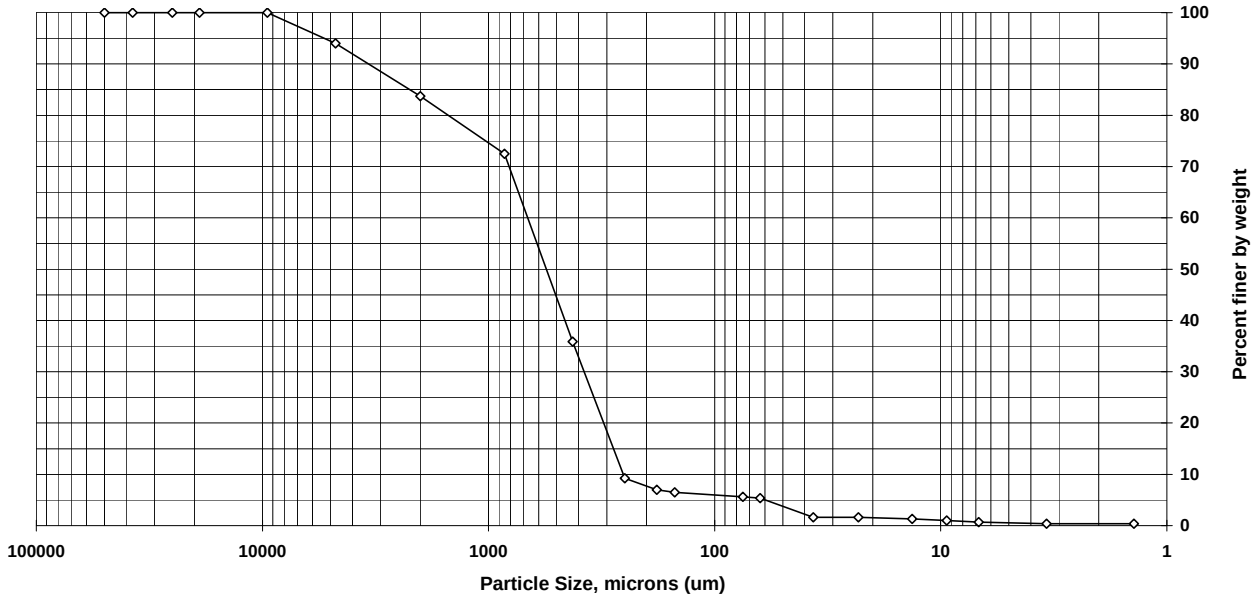
Particle Size of Soils by ASTM D422

				Date Received:	06/16/11
Sample ID:	VR-US-1-SAMPLE 26	**Percent Solids:**	79.3%	**Start Date:**	06/29/11
Lab ID:	280-17173-A-5	**Specific Gravity:**	2.650	**End Date:**	07/09/11

Shape (> #10): subrounded

Non-soil material: shell, plant

Hardness (> #10): hard



Sieve size	Particle size, um	Percent finer	Incremental percent
2 inch	50000	100.0	0.0
1.5 inch	37500	100.0	0.0
1 inch	25000	100.0	0.0
3/4 inch	19000	100.0	0.0
3/8 inch	9500	100.0	0.0
#4	4750	94.0	6.0
#10	2000	83.7	10.3
#20	850	72.5	11.2
#40	425	35.9	36.6
#60	250	9.2	26.7
#80	180	7.0	2.3
#100	150	6.5	0.5
#200	75	5.6	0.9
#230	63	5.4	0.3
Hyd1	36.6	1.6	3.8
Hyd2	23.1	1.6	0.0
Hyd3	13.4	1.3	0.3
Hyd4	9.4	1.0	0.3
Hyd5	6.8	0.7	0.3
Hyd6	3.4	0.4	0.4
Hyd7	1.4	0.4	0.0

Soil Classification	Percent of sample
Gravel	6.0
Sand	88.6
Coarse Sand	10.3
Medium Sand	47.8
Fine Sand	30.5
Silt	4.7
Clay	0.7

Appendix D – Sediment Core Analytes

Table D1. Sediment core analyte results for solids at location VR-US-1 on the Vermilion River near Danville, Illinois.

Parameter	CAS Number	Total Observations (Solid)			Detected Observations (Solid)			Location of Max
		Num.	Mean (mg/Kg)	Median (mg/Kg)	Num.	Max (mg/Kg)	Min (mg/Kg)	
4,4'-DDD	72-54-8	5	0	0	0	---	---	---
4,4'-DDE	72-55-9	5	0	0	0	---	---	---
4,4'-DDT	50-29-3	5	0.00042	0	1	0.0021	0.0021	VR-US-1-SAMPLE 108
Aldrin	309-00-2	5	0	0	0	---	---	---
alpha-BHC	319-84-6	5	0	0	0	---	---	---
alpha-Chlordane	5103-71-9	5	0	0	0	---	---	---
Aluminum	7429-90-5	5	3960	2000	5	9300	1300	VR-US-1-SAMPLE 105
Antimony	7440-36-0	5	0	0	0	---	---	---
Aroclor 1016	12674-11-2	5	0	0	0	---	---	---
Aroclor 1221	11104-28-2	5	0	0	0	---	---	---
Aroclor 1232	11141-16-5	5	0	0	0	---	---	---
Aroclor 1242	53469-21-9	5	0	0	0	---	---	---
Aroclor 1248	12672-29-6	5	0	0	0	---	---	---
Aroclor 1254	11097-69-1	5	0	0	0	---	---	---
Aroclor 1260	11096-82-5	5	0	0	0	---	---	---
Arsenic	7440-38-2	5	3.42	3.5	5	5	2.3	VR-US-1-SAMPLE 105
Barium	7440-39-3	5	29.30	16	5	60	9.5	VR-US-1-SAMPLE 105
Benzene	71-43-2	5	0	0	0	---	---	---
Beryllium	7440-41-7	5	0.238	0.15	5	0.48	0.1	VR-US-1-SAMPLE 105
beta-BHC	319-85-7	5	0	0	0	---	---	---
Cadmium	7440-43-9	5	0.1326	0.081	5	0.24	0.065	VR-US-1-SAMPLE 105
Calcium	7440-70-2	5	16600	18000	5	19000	11000	VR-US-1-SAMPLE 108
Chlordane (n.o.s.)	57-74-9	5	0.000078	0	1	0.00039	0.00039	VR-US-1-SAMPLE 108
Chromium	7440-47-3	5	7.76	4.6	5	14	3.9	VR-US-1-SAMPLE 105
Cobalt	7440-48-4	5	3.74	2.7	5	6.7	2	VR-US-1-SAMPLE 105
Copper	7440-50-8	5	8.3	4.9	5	17	2.5	VR-US-1-SAMPLE 105
delta-BHC	319-86-8	5	0	0	0	---	---	---
Dieldrin	60-57-1	5	0	0	0	---	---	---
Endosulfan I	959-98-8	5	0	0	0	---	---	---
Endosulfan II	33213-65-9	5	0	0	0	---	---	---
Endosulfan sulfate	1031-07-8	5	0	0	0	---	---	---
Endrin	72-20-8	5	0	0	0	---	---	---
Endrin aldehyde	7421-93-4	5	0	0	0	---	---	---
Endrin ketone	53494-70-5	5	0	0	0	---	---	---

Parameter	CAS Number	Total Observations (Solid)			Detected Observations (Solid)			Location of Max
		Num.	Mean (mg/Kg)	Median (mg/Kg)	Num.	Max (mg/Kg)	Min (mg/Kg)	
Ethylbenzene	100-41-4	5	0	0	0	---	---	---
gamma-BHC (Lindane)	58-89-9	5	0	0	0	---	---	---
gamma-Chlordane	5103-74-2	5	0	0	0	---	---	---
Gasoline (C6-C10)	8006-61-9	5	0	0	0	---	---	---
Heptachlor	76-44-8	5	0.000078	0	1	0.00039	0.00039	VR-US-1-SAMPLE 108
Heptachlor epoxide	1024-57-3	5	0	0	0	---	---	---
Hexachlorobenzene	118-74-1	5	0	0	0	---	---	---
Iron	7439-89-6	5	9140	6800	5	15000	5300	VR-US-1-SAMPLE 105
Lead	7439-92-1	5	10.580	4.2	5	27	3.8	VR-US-1-SAMPLE 108
Magnesium	7439-95-4	5	7420	7600	5	8600	5500	VR-US-1-SAMPLE 107
Manganese	7439-96-5	5	258	190	5	480	170	VR-US-1-SAMPLE 105
Mercury	7439-97-6	5	0.0094	0	2	0.027	0.02	VR-US-1-SAMPLE 105
Methoxychlor	72-43-5	5	0	0	0	---	---	---
Methyl tert-butyl ether	1634-04-4	5	0	0	0	---	---	---
Molybdenum	7439-98-7	5	0.09	0	1	0.45	0.45	VR-US-1-SAMPLE 108
m-Xylene & p-Xylene	179601-23-1	5	0	0	0	---	---	---
Nickel	7440-02-0	5	8.36	5.7	5	16	3.6	VR-US-1-SAMPLE 105
o-Xylene	95-47-6	5	0	0	0	---	---	---
Phosphorus	7723-14-0	5	90.40	110	4	190	12	VR-US-1-SAMPLE 105
Potassium	7440-09-7	5	716	390	5	1600	270	VR-US-1-SAMPLE 105
Selenium	7782-49-2	5	0	0	0	---	---	---
Silver	7440-22-4	5	0	0	0	---	---	---
Sodium	7440-23-5	5	138	120	5	180	110	VR-US-1-SAMPLE 108
Thallium	7440-28-0	5	0	0	0	---	---	---
Toluene	108-88-3	5	0	0	0	---	---	---
Total Cyanide	57-12-5	5	0	0	0	---	---	---
Toxaphene	8001-35-2	5	0	0	0	---	---	---
Vanadium	7440-62-2	5	10.520	7.2	5	18	5.7	VR-US-1-SAMPLE 105
Xylenes, Total	1330-20-7	5	0	0	0	---	---	---
Zinc	7440-66-6	5	33.20	19	5	62	14	VR-US-1-SAMPLE 105

Table D4. Sediment core analyte results for supernatants at location VR-US-1 on the Vermilion River near Danville, Illinois.

Parameter	CAS Number	Total Observations (Supernatant)			Detected Observations (Supernatant)			Location of Max
		Num.	Mean (µg/L)	Median (µg/L)	Num.	Max (µg/L)	Min (µg/L)	
4,4'-DDD	72-54-8	1	0	---	0	---	---	---
4,4'-DDE	72-55-9	1	0	---	0	---	---	---
4,4'-DDT	50-29-3	1	0	---	0	---	---	---
Aldrin	309-00-2	1	0	---	0	---	---	---
alpha-BHC	319-84-6	1	0	---	0	---	---	---
alpha-Chlordane	5103-71-9	1	0	---	0	---	---	---
Aluminum	7429-90-5	1	91000	91000	1	91000	91000	VR-US-1-SAMPLE 108
Antimony	7440-36-0	1	0	---	0	---	---	---
Aroclor 1016	12674-11-2	1	0	---	0	---	---	---
Aroclor 1221	11104-28-2	1	0	---	0	---	---	---
Aroclor 1232	11141-16-5	1	0	---	0	---	---	---
Aroclor 1242	53469-21-9	1	0	---	0	---	---	---
Aroclor 1248	12672-29-6	1	0	---	0	---	---	---
Aroclor 1254	11097-69-1	1	0	---	0	---	---	---
Aroclor 1260	11096-82-5	1	0	---	0	---	---	---
Arsenic	7440-38-2	1	100	100	1	100	100	VR-US-1-SAMPLE 108
Barium	7440-39-3	1	890	890	1	890	890	VR-US-1-SAMPLE 108
Benzene	71-43-2	1	0	---	0	---	---	---
Beryllium	7440-41-7	1	6.4	6.4	1	6.4	6.4	VR-US-1-SAMPLE 108
beta-BHC	319-85-7	1	0	---	0	---	---	---
Cadmium	7440-43-9	1	6.1	6.1	1	6.1	6.1	VR-US-1-SAMPLE 108
Calcium	7440-70-2	1	160000	160000	1	160000	160000	VR-US-1-SAMPLE 108
Chlordane (n.o.s.)	57-74-9	1	0	---	0	---	---	---
Chromium	7440-47-3	1	140	140	1	140	140	VR-US-1-SAMPLE 108
Cobalt	7440-48-4	1	78	78	1	78	78	VR-US-1-SAMPLE 108
Copper	7440-50-8	1	270	270	1	270	270	VR-US-1-SAMPLE 108
delta-BHC	319-86-8	1	0	---	0	---	---	---
Dieldrin	60-57-1	1	0	---	0	---	---	---
Endosulfan I	959-98-8	1	0	---	0	---	---	---
Endosulfan II	33213-65-9	1	0	---	0	---	---	---
Endosulfan sulfate	1031-07-8	1	0	---	0	---	---	---
Endrin	72-20-8	1	0	---	0	---	---	---
Endrin aldehyde	7421-93-4	1	0	---	0	---	---	---
Endrin ketone	53494-70-5	1	0	---	0	---	---	---
Ethylbenzene	100-41-4	1	0	---	0	---	---	---
gamma-BHC (Lindane)	58-89-9	1	0	---	0	---	---	---
gamma-Chlordane	5103-74-2	1	0	---	0	---	---	---
Gasoline (C6-C10)	8006-61-9	1	0	---	0	---	---	---

Parameter	CAS Number	Total Observations (Supernatant)			Detected Observations (Supernatant)			Location of Max
		Num.	Mean (µg/L)	Median (µg/L)	Num.	Max (µg/L)	Min (µg/L)	
Heptachlor	76-44-8	1	0	---	0	---	---	---
Heptachlor epoxide	1024-57-3	1	0	---	0	---	---	---
Hexachlorobenzene	118-74-1	1	0	---	0	---	---	---
Iron	7439-89-6	1	210000	210000	1	210000	210000	VR-US-1-SAMPLE 108
Lead	7439-92-1	1	670	670	1	670	670	VR-US-1-SAMPLE 108
Magnesium	7439-95-4	1	76000	76000	1	76000	76000	VR-US-1-SAMPLE 108
Manganese	7439-96-5	1	4300	4300	1	4300	4300	VR-US-1-SAMPLE 108
Mercury	7439-97-6	1	0.0013	0.0013	1	0.0013	0.0013	VR-US-1-SAMPLE 108
Methoxychlor	72-43-5	1	0	---	0	---	---	---
Methyl tert-butyl ether	1634-04-4	1	0	---	0	---	---	---
Molybdenum	7439-98-7	1	6.7	6.7	1	6.7	6.7	VR-US-1-SAMPLE 108
m-Xylene & p-Xylene	179601-23-1	1	0	---	0	---	---	---
Nickel	7440-02-0	1	170	170	1	170	170	VR-US-1-SAMPLE 108
o-Xylene	95-47-6	1	0	---	0	---	---	---
Phosphorus	7723-14-0	1	0.0084	0.0084	1	0.0084	0.0084	VR-US-1-SAMPLE 108
Potassium	7440-09-7	1	15000	15000	1	15000	15000	VR-US-1-SAMPLE 108
Selenium	7782-49-2	1	0	---	0	---	---	---
Silver	7440-22-4	1	1.3	1.3	1	1.3	1.3	VR-US-1-SAMPLE 108
Sodium	7440-23-5	1	15000	15000	1	15000	15000	VR-US-1-SAMPLE 108
Thallium	7440-28-0	1	0	---	0	---	---	---
Toluene	108-88-3	1	0	---	0	---	---	---
Total Cyanide	57-12-5	1	0.025	0.025	1	0.025	0.025	VR-US-1-SAMPLE 108
Toxaphene	8001-35-2	1	0	---	0	---	---	---
Vanadium	7440-62-2	1	160	160	1	160	160	VR-US-1-SAMPLE 108
Xylenes, Total	1330-20-7	1	0	---	0	---	---	---
Zinc	7440-66-6	1	1200	1200	1	1200	1200	VR-US-1-SAMPLE 108

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION (DBE)

Effective: October 15, 2017

FEDERAL OBLIGATION. The Department of Natural Resources, as a recipient of federal financial assistance, is required to take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts. For the purposes of this Special Provision, a disadvantaged business enterprise (DBE) means a business listed in the Illinois Unified Certification Program (IL UCP) DBE Directory.

STATE OBLIGATION. This Special Provision will also be used by the Department to satisfy the requirements of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575.

CONTRACTOR ASSURANCE. The Contractor makes the following assurance and agrees to include the assurance in each subcontract that the Contractor signs with a subcontractor:

> The Contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

CONTRACT GOAL TO BE ACHIEVED BY THE CONTRACTOR. This contract includes a specific DBE utilization goal established by the Department. The goal has been included because the Department has determined that the work of this contract has subcontracting opportunities that may be suitable for performance by DBE companies. This determination is based on an assessment of the type of work, the location of the work, and the availability of DBE companies to do a part of the work. The assessment indicates that, in the absence of unlawful discrimination, and in an arena of fair and open competition, DBE companies can be expected to perform _**3.5** _% of the work. This percentage is set as the DBE participation goal for this contract. Consequently, in addition to the other award criteria established for this contract, the Department will only award this contract to a bidder who makes a good faith effort to meet this goal of DBE participation in the performance of the work. A bidder makes a good faith effort for award consideration if either of the following is done in accordance with the procedures set forth in this Special Provision:

> (a) The bidder documents that enough DBE participation has been obtained to meet the goal; or
>
> (b) The bidder documents that a good faith effort has been made to meet the goal, even though the effort did not succeed in obtaining enough DBE participation to meet the goal.

DBE LOCATOR REFERENCES. Bidders shall consult the IL UCP DBE Directory as a reference source for DBE-certified companies. In addition, the Illinois Department of Transportation maintains a letting and item specific DBE locator information system whereby DBE companies can register their interest in providing quotes on particular bid items advertised for letting. Information concerning DBE companies willing to quote work for particular contracts may be obtained by contacting the Illinois Department of Transportation's Bureau of Small Business Enterprises at telephone number (217)785-4611, or by visiting: http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index.

BIDDING PROCEDURES. Compliance with this Special Provision is required prior to the award of the contract and the failure of the low bidder to comply will render the bid not responsive.

In order to assure the timely award of the contract, the low bidder shall submit:

(a) The bidder shall submit a DBE Utilization Plan to the Department of Natural Resources on completed Department of Natural Resources forms.

(1) The final Utilization Plan must be submitted within five calendar days after the date of the letting in accordance with subsection (a)(2) of Bidding Procedures herein.

(2) To meet the five day requirement, the bidder may send the Utilization Plan electronically by scanning and sending of faxing to the Department of Natural Resources. The subject line must include the bid Item Number and the Letting date. The Utilization Plan should be sent as one .pdf file, rather than multiple files and emails for the same Item Number. It is the responsibility of the bidder to obtain confirmation of email or fax delivery.

Alternatively, the Utilization Plan may be sent by certified mail or delivery service within the five calendar day period. If a question arises concerning the mailing date of a Utilization Plan, the mailing date will be established by the U.S. Postal Service postmark on the certified mail receipt from the U.S. Postal Service or the receipt issued by a delivery service when the Utilization Plan is received by the Department. It is the responsibility of the bidder to ensure the postmark or receipt date is affixed within the five days if the bidder intends to rely upon mailing or delivery to satisfy the submission day requirement.

The Department will not accept a Utilization Plan if it does not meet the five day submittal requirement and the bid will be declared not responsive. In the event the bid is declared not responsive due to a failure to submit a Utilization Plan or failure to comply with the bidding procedures set forth herein, the Department may elect to cause the forfeiture of the penal sum of the bidder's proposal guaranty, and may deny authorization to bid the project if re-advertised for bids. The Department reserves the right to invite any other bidder to submit a Utilization Plan at any time for award consideration.

(b) The Utilization Plan shall indicate that the bidder either has obtained sufficient DBE participation commitments to meet the contract goal or has not obtained enough DBE participation commitments in spite of a good faith effort to meet the goal. The Utilization Plan shall further provide the name, telephone number, and telefax number of a responsible official of the bidder designated for purposes of notification of Utilization Plan approval or disapproval under the procedures of this Special Provision.

(c) The Utilization Plan shall include a DBE Participation Commitment Statement on Department of Natural Resources form, for each DBE proposed for the performance of work to achieve the contract goal. For bidding purposes, submission of the completed forms, signed by the DBEs and scanned or faxed to the bidder will be acceptable as long as the original is available and provided upon request. All elements of information indicated on the said form shall be provided, including but not limited to the following:

(1) The names and addresses of DBE firms that will participate in the contract;

(2) A description, including pay item numbers, of the work each DBE will perform;

(3) The dollar amount of the participation of each DBE firm participating. The dollar amount of participation for identified work shall specifically state the quantity, unit price, and total

subcontract price for the work to be completed by the DBE. If partial pay items are to be performed by the DBE, indicate the portion of each item, a unit price where appropriate and the subcontract price amount;

(4) DBE Participation Commitment Statements, signed by the bidder and each participating DBE firm documenting the commitment to use the DBE subcontractors whose participation is submitted to meet the contract goal;

(5) If the bidder is a joint venture comprised of DBE companies and non-DBE companies, the Utilization Plan must also include a clear identification of the portion of the work to be performed by the DBE partner(s); and,

(6) If the contract goal is not met, evidence of good faith efforts; the documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor is selected over a DBE for work on the contract.

GOOD FAITH EFFORT PROCEDURES. The contract will not be awarded until the Utilization Plan submitted by the apparent successful bidder is approved. All information submitted by the bidder must be complete, accurate and adequately document that enough DBE participation has been obtained or document the good faith efforts of the bidder, in the event enough DBE participation has not been obtained, before the Department of Natural Resources will commit to the performance of the contract by the bidder. The Utilization Plan will be approved by the Department if the Utilization Plan documents sufficient commercially useful DBE work performance to meet the contract goal or the bidder submits sufficient documentation of a good faith effort to meet the contract goal. The Department shall follow the guidance on good faith effort provided in 49 CFR part 26, Appendix A. The Utilization Plan will not be approved by the Department if the Utilization Plan does not document sufficient DBE participation to meet the contract goal unless the apparent successful bidder documented in the Utilization Plan that it made a good faith effort to meet the goal. This means that the bidder must show that all necessary and reasonable steps were taken to achieve the contract goal. Necessary and reasonable steps are those which, by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not successful. The Department will consider the quality, quantity, and intensity of the kinds of efforts that the bidder has made. Mere *pro forma* efforts, in other words, efforts done as a matter of form, are not good faith efforts; rather, the bidder is expected to have taken genuine efforts that would be reasonably expected of a bidder actively and aggressively trying to obtain DBE participation sufficient to meet the contract goal.

(a) The following is a list of types of action that the Department will consider as part of the evaluation of the bidder's good faith efforts to obtain participation. These listed factors are not intended to be a mandatory checklist and are not intended to be exhaustive. Other factors or efforts brought to the attention of the Department may be relevant in appropriate cases, and will be considered by the Department.

(1) Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBE companies that have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBE companies to respond to the solicitation. The bidder must determine with certainty if the DBE companies are interested by taking appropriate steps to follow up initial solicitations.

(2) Selecting portions of the work to be performed by DBE companies in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime Contractor might otherwise prefer to perform these work items with its own forces.

(3) Providing interested DBE companies with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

(4) a. Negotiating in good faith with interested DBE companies. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE companies that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBE companies to perform the work.

b. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBE companies is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also the ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidders are not, however, required to accept higher quotes from DBE companies if the price difference is excessive or unreasonable. In accordance with subsection (c)(6) of the above Bidding Procedures, the documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

(5) Not rejecting DBE companies as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.

(6) Making efforts to assist interested DBE companies in obtaining bonding, lines of credit, or insurance as required by the recipient or Contractor.

(7) Making efforts to assist interested DBE companies in obtaining necessary equipment, supplies, materials, or related assistance or services.

(8) Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE companies.

(b) If the Department determines that the apparent successful bidder has made a good faith effort to secure the work commitment of DBE companies to meet the contract goal, the Department will award the contract provided that it is otherwise eligible for award. If the Department determines that the bidder has failed to meet the requirements of this Special Provision or that a good faith effort has not been made, the Department will notify the responsible company official designated in the Utilization Plan that the bid is not responsive. The notification shall include a statement of reasons for the determination.

(c) The bidder may request administrative reconsideration of a determination adverse to the bidder within the five working days after receipt of the notification date of the determination by delivering the request to the Director of the Department's Office of Mines and Minerals. Deposit of the request in the United States mail on or before the fifth business day shall not be deemed delivery. The determination shall become final if a request is not made and delivered. A request may provide additional written documentation and/or argument concerning the issues raised in the determination statement of reasons, provided the documentation and arguments address efforts made prior to submitting the bid. After the review by Director, the bidder will be sent a written decision within fifteen working days after receipt of the request for reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. A final decision by the Director that a good faith effort was made shall approve the Utilization Plan submitted by the bidder and shall clear the contract for award. A final decision that a good faith effort was not made shall render the bid not responsive.

CALCULATING DBE PARTICIPATION. The Utilization Plan values represent work anticipated to be performed and paid for upon satisfactory completion. The Department is only able to count toward the achievement of the overall goal and the contract goal the value of payments made for the work actually performed by DBE companies. In addition, a DBE must perform a commercially useful function on the contract to be counted. A commercially useful function is generally performed when the DBE is responsible for the work and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. The Department will follow the specific counting guidelines provided in 49 CFR part 26.55

(a) DBE as the Contractor: 100 percent goal credit for that portion of the work performed by the DBE's own forces, including the cost of materials and supplies. Work that a DBE subcontracts to a non-DBE does not count toward the DBE goals.

(b) DBE as a joint venture Contractor: 100 percent goal credit for that portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work performed by the DBE's own forces.

(c) DBE as a subcontractor: 100 percent goal credit for the work of the subcontract performed by the DBE's own forces, including the cost of materials and supplies, excluding the purchase of materials and supplies or the lease of equipment by the DBE subcontractor from the prime Contractor or its affiliates. Work that a DBE subcontractor in turn subcontracts to a non-DBE does not count toward the DBE goal.

(d) DBE as a trucker: 100 percent goal credit for trucking participation provided the DBE is responsible for the management and supervision of the entire trucking operation for which it is responsible. At least one truck owned, operated, licensed, and insured by the DBE must be used on the contact. Credit will be given for the following:

(1) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.

(2) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement.

(e) DBE as a material supplier:
(1) 60 percent goal credit for the cost of the materials or supplies purchased from a DBE regular dealer.

(2) 100 percent goal credit for the cost of materials or supplies obtained from a DBE manufacturer.

(3) 100 percent credit for the value of reasonable fees and commissions for the procurement of materials and supplies if not a regular dealer or manufacturer.

CONTRACT COMPLIANCE. Compliance with this Special Provision is an essential part of the contract. The Department shall not credit the participation of a DBE included in the Utilization Plan toward either the contract goal or the Department's overall goal until the amount to be applied toward the goals has been paid to the DBE. The following administrative procedures and remedies govern the compliance by the Contractor with the contractual obligations established by the Utilization Plan. After approval of the Utilization Plan and award of the contract, the Utilization Plan and individual DBE Participation Statements become part of the contract. If the Contractor did not succeed in obtaining enough DBE participation to achieve the advertised contract goal, and the Utilization Plan was approved and contract awarded based upon a determination of good faith, the total dollar value of DBE work calculated in the approved Utilization Plan as a percentage of the awarded contract value shall become the amended contract goal. All work indicated for performance by an approved DBE shall be performed, managed, and supervised by the DBE executing the DBE Participation Commitment Statement.

(a) NO AMENDMENT. No amendment to the Utilization Plan may be made without prior written approval from the Department. All requests for amendment to the Utilization Plan shall be submitted to the Department 's Project Manager.

(b) CHANGES TO WORK. Any deviation from the DBE condition-of-award or contract plans, specifications, or special provisions must be approved, in writing, by the Department as provided elsewhere in the Contract. The Contractor shall notify affected DBEs in writing of any changes in the scope of work which result in a reduction in the dollar amount condition-of-award to the contract. Where the revision includes work committed to a new DBE subcontractor, not previously involved in the project, then a Request for Approval of Subcontractor form must be signed and submitted. If the commitment of work is in the form of additional tasks assigned to an existing subcontract, than a new Request for Approval of Subcontractor shall not be required. However, the Contractor must document efforts to assure that the existing DBE subcontractor is capable of performing the additional work and has agreed in writing to the change.

(c) SUBCONTRACT. The Contractor must provide DBE subcontracts to the Department upon request. Subcontractors shall ensure that all lower tier subcontracts or agreements with DBEs to supply labor or materials be performed in accordance with this Special Provision.

(d) ALTERNATIVE WORK METHODS. In addition to the above requirements for reductions in the condition of award, additional requirements apply to the two cases of Contractor- initiated work substitution proposals. Where the contract allows alternate work methods which serve to delete or create underruns in condition of award DBE work, and the Contractor selects that alternate method or, where the Contractor proposes a substitute work method or material that serves to diminish or delete work committed to a DBE and replace it with other work, then the Contractor must demonstrate one of the following:

(1) That the replacement work will be performed by the same DBE (as long as the DBE is certified in the respective item of work) in a modification of the condition of award; or

(2) That the DBE is aware that its work will be deleted or will experience underruns and has agreed in writing to the change. If this occurs, the Contractor shall substitute other work of

equivalent value to a certified DBE or provide documentation of good faith efforts to do so; or

(3) That the DBE is not capable of performing the replacement work or has declined to perform the work at a reasonable competitive price. If this occurs, the Contractor shall substitute other work of equivalent value to a certified DBE or provide documentation of good faith efforts to do so.

(e) TERMINATION AND REPLACEMENT PROCEDURES. The Contractor shall not terminate or replace a DBE listed on the approved Utilization Plan, or perform with other forces work designated for a listed DBE except as provided in this Special Provision. The Contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the Contractor obtains the Department's written consent as provided in subsection (a) of this part. Unless Department consent is provided for termination of a DBE subcontractor, the Contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the DBE in the Utilization Plan.

As stated above, the Contractor shall not terminate or replace a DBE subcontractor listed in the approved Utilization Plan without prior written consent. This includes, but is not limited to, instances in which the Contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non- DBE firm, or with another DBE firm. Written consent will be granted only if the Department agrees, for reasons stated in its concurrence document, that the Contractor has good cause to terminate or replace the DBE firm. Before transmitting to the Department any request to terminate and/or substitute a DBE subcontractor, the Contractor shall give notice in writing to the DBE subcontractor, with a copy to the Department, of its intent to request to terminate and/or substitute, and the reason for the request. The Contractor shall give the DBE five days to respond to the Contractor's notice. The DBE so notified shall advise the Department and the Contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Department should not approve the Contractor's action. If required in a particular case as a matter of public necessity, the Department may provide a response period shorter than five days.

For purposes of this paragraph, good cause includes the following circumstances:

(1) The listed DBE subcontractor fails or refuses to execute a written contract;

(2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;

(3) The listed DBE subcontractor fails or refuses to meet the prime Contractor's reasonable, nondiscriminatory bond requirements;

(4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;

(5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1200 or applicable state law.

(6) You have determined that the listed DBE subcontractor is not a responsible contractor;

(7) The listed DBE subcontractor voluntarily withdraws from the projects and provides to you written notice of its withdrawal;

(8) The listed DBE is ineligible to receive DBE credit for the type of work required;

(9) A DBE owner dies or becomes disabled with the result that the listed DBE subcontractor is unable to complete its work on the contract;

(10) Other documented good cause that compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime Contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime Contractor can self-perform the work for which the DBE contractor was engaged or so that the prime Contractor can substitute another DBE or non-DBE contractor after contract award.

When a DBE is terminated, or fails to complete its work on the Contract for any reason the Contractor shall make a good faith effort to find another DBE to substitute for the original DBE to perform at least the same amount of work under the contract as the terminated DBE to the extent needed to meet the established Contract goal. The good faith efforts shall be documented by the Contractor. If the Department requests documentation under this provision, the Contractor shall submit the documentation within seven days, which may be extended for an additional seven days if necessary at the request of the Contractor. The Department shall provide a written determination to the Contractor stating whether or not good faith efforts have been demonstrated.

(f) PAYMENT RECORDS. The Contractor shall maintain a record of payments for work performed to the DBE participants. The records shall be made available to the Department for inspection upon request. After the performance of the final item of work or delivery of material by a DBE and final payment therefore to the DBE by the Contractor, but not later than thirty calendar days after payment has been made by the Department to the Contractor for such work or material, the Contractor shall submit a DBE Payment Agreement on Department form to the Project Manager. If full and final payment has not been made to the DBE, the DBE Payment Agreement shall indicate whether a disagreement as to the payment required exists between the Contractor and the DBE or if the Contractor believes that the work has not been satisfactorily completed. If the Contractor does not have the full amount of work indicated in the Utilization Plan performed by the DBE companies indicated in the Utilization Plan and after good faith efforts are reviewed, the Department may deduct from contract payments to the Contractor the amount of the goal not achieved as liquidated and ascertained damages. The Contractor may request an administrative reconsideration of any amount deducted as damages pursuant to subsection (h) of this part.

(g) ENFORCEMENT. The Department reserves the right to withhold payment to the Contractor to enforce the provisions of this Special Provision. Final payment shall not be made on the contract until such time as the Contractor submits sufficient documentation demonstrating achievement of the goal in accordance with this Special Provision or after liquidated damages have been determined and collected.

(h) RECONSIDERATION. Notwithstanding any other provision of the contract, including but not limited to Article 109.09 of the Standard Specifications, the Contractor my request administrative reconsideration of a decision to deduct the amount of the goal not achieved as liquidated damages. A request to reconsider shall be delivered to the Department and shall be handled and considered in the same manner as set forth in paragraph (c) of “Good Faith Effort Procedures” of this Special Provision, except a final decision that a good faith effort was not made during contract performance to achieve the goal agreed to in the Utilization Plan shall be the final administrative decision of the Department.

COMPENSABLE DELAY COSTS (BDE)

Effective: June 2, 2017

Revise Article 107.40(b) of the Standard Specifications to read:

"(b) Compensation. Compensation will not be allowed for delays, inconveniences, or damages sustained by the Contractor from conflicts with facilities not meeting the above definition; or if a conflict with a utility in an unanticipated location does not cause a shutdown of the work or a documentable reduction in the rate of progress exceeding the limits set herein. The provisions of Article 104.03 notwithstanding, compensation for delays caused by a utility in an unanticipated location will be paid according to the provisions of this Article governing minor and major delays or reduced rate of production which are defined as follows.

(1) Minor Delay. A minor delay occurs when the work in conflict with the utility in an unanticipated location is completely stopped for more than two hours, but not to exceed two weeks.

(2) Major Delay. A major delay occurs when the work in conflict with the utility in an unanticipated location is completely stopped for more than two weeks.

(3) Reduced Rate of Production Delay. A reduced rate of production delay occurs when the rate of production on the work in conflict with the utility in an unanticipated location decreases by more than 25 percent and lasts longer than seven calendar days."

Revise Article 107.40(c) of the Standard Specifications to read:

"(c) Payment. Payment for Minor, Major, and Reduced Rate of Production Delays will be made as follows.

(1) Minor Delay. Labor idled which cannot be used on other work will be paid for according to Article 109.04(b)(1) and (2) for the time between start of the delay and the minimum remaining hours in the work shift required by the prevailing practice in the area.

Equipment idled which cannot be used on other work, and which is authorized to standby on the project site by the Engineer, will be paid for according to Article 109.04(b)(4).

(2) Major Delay. Labor will be the same as for a minor delay.

Equipment will be the same as for a minor delay, except Contractor-owned equipment will be limited to two weeks plus the cost of move-out to either the Contractor's yard or another job and the cost to re-mobilize, whichever is less.

Rental equipment may be paid for longer than two weeks provided the Contractor presents adequate support to the Department (including lease agreement) to show retaining equipment on the job is the most economical course to follow and in the public interest.

(3) Reduced Rate of Production Delay. The Contractor will be compensated for the reduced productivity for labor and equipment time in excess of the 25 percent threshold for that portion of the delay in excess of seven calendar days. Determination of compensation will be in accordance with Article 104.02, except labor and material additives will not be permitted.

Payment for escalated material costs, escalated labor costs, extended project overhead, and extended traffic control will be determined according to Article 109.13."

Revise Article 108.04(b) of the Standard Specifications to read:

"(b) No working day will be charged under the following conditions.

(1) When adverse weather prevents work on the controlling item.

(2) When job conditions due to recent weather prevent work on the controlling item.

(3) When conduct or lack of conduct by the Department or its consultants, representatives, officers, agents, or employees; delay by the Department in making the site available; or delay in furnishing any items required to be furnished to the Contractor by the Department prevents work on the controlling item.

(4) When delays caused by utility or railroad adjustments prevent work on the controlling item.

(5) When strikes, lock-outs, extraordinary delays in transportation, or inability to procure critical materials prevent work on the controlling item, as long as these delays are not due to any fault of the Contractor.

(6) When any condition over which the Contractor has no control prevents work on the controlling item."

Revise Article 109.09(f) of the Standard Specifications to read:

"(f) Basis of Payment. After resolution of a claim in favor of the Contractor, any adjustment in time required for the work will be made according to Section 108. Any adjustment in the costs to be paid will be made for direct labor, direct materials, direct equipment, direct jobsite overhead, direct offsite overhead, and other direct costs allowed by the resolution. Adjustments in costs will not be made for interest charges, loss of anticipated profit, undocumented loss of efficiency, home office overhead and unabsorbed overhead

other than as allowed by Article 109.13, lost opportunity, preparation of claim expenses and other consequential indirect costs regardless of method of calculation.

The above Basis of Payment is an essential element of the contract and the claim cost recovery of the Contractor shall be so limited."

Add the following to Section 109 of the Standard Specifications.

"**109.13 Payment for Contract Delay.** Compensation for escalated material costs, escalated labor costs, extended project overhead, and extended traffic control will be allowed when such costs result from a delay meeting the criteria in the following table.

Contract Type	Cause of Delay	Length of Delay
Working Days	Article 108.04(b)(3) or Article 108.04(b)(4)	No working days have been charged for two consecutive weeks.
Completion Date	Article 108.08(b)(1) or Article 108.08(b)(7)	The Contractor has been granted a minimum two week extension of contract time, according to Article 108.08.

Payment for each of the various costs will be according to the following.

(a) Escalated Material and/or Labor Costs. When the delay causes work, which would have otherwise been completed, to be done after material and/or labor costs have increased, such increases will be paid. Payment for escalated material costs will be limited to the increased costs substantiated by documentation furnished by the Contractor. Payment for escalated labor costs will be limited to those items in Article 109.04(b)(1) and (2), except the 35 percent and 10 percent additives will not be permitted.

(b) Extended Project Overhead. For the duration of the delay, payment for extended project overhead will be paid as follows.

(1) Direct Jobsite and Offsite Overhead. Payment for documented direct jobsite overhead and documented direct offsite overhead, including onsite supervisory and administrative personnel, will be allowed according to the following table.

Original Contract Amount	Supervisory and Administrative Personnel
Up to $5,000,000	One Project Superintendent
Over $ 5,000,000 - up to $25,000,000	One Project Manager, One Project Superintendent or Engineer, and One Clerk
Over $25,000,000 - up to $50,000,000	One Project Manager, One Project Superintendent, One Engineer, and

	One Clerk
Over $50,000,000	One Project Manager, Two Project Superintendents, One Engineer, and One Clerk

(2) Home Office and Unabsorbed Overhead. Payment for home office and unabsorbed overhead will be calculated as 8 percent of the total delay cost.

(c) Extended Traffic Control. Traffic control required for an extended period of time due to the delay will be paid. For working day contracts the payment will be made according to Article 109.04. For completion date contracts, an adjustment will be determined as follows.

Extended Traffic Control occurs between April 1 and November 30:

ETCP Adjustment ($) = TE x (%/100 x CUP / OCT)

Extended Traffic Control occurs between December 1 and March 31:

ETCP Adjustment ($) = TE x 1.5 (%/100 x CUP / OCT)

Where: TE = Duration of approved time extension in calendar days.
% = Percent maintenance for the traffic control, % (see table below).
CUP = Contract unit price for the traffic control pay item in place during the delay.
OCT = Original contract time in calendar days.

Original Contract Amount	Percent Maintenance
Up to $2,000,000	65%
$2,000,000 to $10,000,000	75%
$10,000,000 to $20,000,000	85%
Over $20,000,000	90%

When an ETCP adjustment is paid under this provision, an adjusted unit price as provided for in Article 701.20(a) for increase or decrease in the value of work by more than ten percent will not be paid.

Upon payment for a contract delay under this provision, the Contractor shall assign subrogation rights to the Department for the Department's efforts of recovery from any other party for monies paid by the Department as a result of any claim under this provision. The Contractor shall fully cooperate with the Department in its efforts to recover from another party any money paid to the Contractor for delay damages under this provision."

80384

PAYMENTS TO SUBCONTRACTORS (BDE)

Effective: November 2, 2017

Add the following to the end of the fourth paragraph of Article 109.11 of the Standard Specifications:

"If reasonable cause is asserted, written notice shall be provided to the applicable subcontractor and/or material supplier and the Engineer within five days of the Contractor receiving payment. The written notice shall identify the contract number, the subcontract or material purchase agreement, a detailed reason for refusal, the value of payment being withheld, and the specific remedial actions required of the subcontractor and/or material supplier so that payment can be made."

80390

PROGRESS PAYMENTS (BDE)

Effective: November 2, 2013

Revise Article 109.07(a) of the Standard Specifications to read:

"(a) Progress Payments. At least once each month, the Engineer will make a written estimate of the quantity of work performed in accordance with the contract, and the value thereof at the contract unit prices. The amount of the estimate approved as due for payment will be vouchered by the Department and presented to the State Comptroller for payment. No amount less than $1000.00 will be approved for payment other than the final payment.

Progress payments may be reduced by liens filed pursuant to Section 23(c) of the Mechanics' Lien Act, 770 ILCS 60/23(c).

If a Contractor or subcontractor has defaulted on a loan issued under the Department's Disadvantaged Business Revolving Loan Program (20 ILCS 2705/2705-610), progress payments may be reduced pursuant to the terms of that loan agreement. In such cases, the amount of the estimate related to the work performed by the Contractor or subcontractor, in default of the loan agreement, will be offset, in whole or in part, and vouchered by the Department to the Working Capital Revolving Fund or designated escrow account. Payment for the work shall be considered as issued and received by the Contractor or subcontractor on the date of the offset voucher. Further, the amount of the offset voucher shall be a credit against the Department's obligation to pay the Contractor, the Contractor's obligation to pay the subcontractor, and the Contractor's or subcontractor's total loan indebtedness to the Department. The offset shall continue until such time as the entire loan indebtedness is satisfied. The Department will notify the Contractor and Fund Control Agent in a timely manner of such offset. The Contractor or subcontractor shall not be entitled to additional payment in consideration of the offset.

The failure to perform any requirement, obligation, or term of the contract by the Contractor shall be reason for withholding any progress payments until the Department determines that compliance has been achieved."

80328

SUBCONTRACTOR MOBILILATION PAYMENTS (BDE)

Effective: November 2, 2017

Replace the second paragraph of Article 109.12 of the Standard Specifications with the following:

"This mobilization payment shall be made at least 14 days prior to the subcontractor starting work. The amount paid shall be at the following percentage of the amount of the subcontract reported on form BC 260A submitted for the approval of the subcontractor's work.

Value of Subcontract Reported on Form BC 260A	Mobilization Percentage
Less than $10,000	25%
$10,000 to less than $20,000	20%
$20,000 to less than $40,000	18%
$40,000 to less than $60,000	16%
$60,000 to less than $80,000	14%
$80,000 to less than $100,000	12%
$100,000 to less than $250,000	10%
$250,000 to less than $500,000	9%
$500,000 to $750,000	8%
Over $750,000	7%"

80391

WEEKLY DBE TRUCKING REPORTS (BDE)

Effective: June 2, 2012
Revised: April 2, 2015

The Contractor shall submit a weekly report of Disadvantaged Business Enterprise (DBE) trucks hired by the Contractor or subcontractors (i.e. not owned by the Contractor or subcontractors) that are used for DBE goal credit.

The report shall be submitted to the Engineer on Department form "SBE 723" within ten business days following the reporting period. The reporting period shall be Monday through Sunday for each week reportable trucking activities occur.

Any costs associated with providing weekly DBE trucking reports shall be considered as included in the contract unit prices bid for the various items of work involved and no additional compensation will be allowed.

80302

NOTICE: Prevailing Wage Rates

The Illinois Prevailing Wage Act (820 ILCS 130/) requires payment of prevailing wages on State of Illinois public works projects.

As required by this Act, not less than the rates of wages ascertained by the Illinois Department of Labor and as revised during the performance of a Contract shall be paid to all laborers, workers and mechanics performing work under the Contract.

Post the scale of wages in a prominent and easily accessible place at the site of work. If the Illinois Department of Labor revises the prevailing rates of wages to be paid as listed in the specification of rates, the contractor shall post the revised rates of wages and shall pay not less than the revised rates of wages. Current wage rate information shall be obtained by visiting the Illinois Department of Labor web site at http://www.state.il.us/agency/idol/ or by calling 312-793-2814. It is the responsibility of the contractor to review the rates applicable to the work of the contract at regular intervals in order to insure the timely payment of current rates. Provision of this information to the contractor by means of the Illinois Department of Labor web site satisfies the notification of revisions by the Department to the contractor pursuant to the Act, and the contractor agrees that no additional notice is required. The contractor shall notify each of its subcontractors of the revised rates of wage

Prevailing Wage rates for Vermillion County effective Sept. 1, 2017												
Trade Title	**Region**	**Type**	**Class**	**Base Wage**	**Fore-man Wage**	**M-F OT**	**OSA**	**OSH**	**H/W**	**Pension**	**Vacation**	**Training**
ASBESTOS ABT-GEN	ALL	BLD		30.54	31.79	1.5	1.5	2	6.30	15.40	0.00	0.90
ASBESTOS ABT-MEC	ALL	BLD		22.40	23.40	1.5	1.5	2	6.80	6.55	0.00	0.50
BOILERMAKER	ALL	BLD		39.50	42.50	2	2	2	7.07	12.47	0.00	0.40
BRICK MASON	ALL	BLD		31.50	33.08	1.5	1.5	2	8.57	13.51	0.00	0.85
CARPENTER	ALL	BLD		36.04	38.29	1.5	1.5	2	8.45	12.35	0.00	0.54
CARPENTER	ALL	HWY		36.20	37.95	1.5	1.5	2	8.45	12.95	0.00	0.52
CEMENT MASON	ALL	BLD		32.60	34.60	1.5	1.5	2	8.57	9.84	0.00	0.50
CEMENT MASON	ALL	HWY		33.71	35.21	1.5	1.5	2	8.57	9.84	0.00	0.50
CERAMIC TILE FNSHER	ALL	BLD		30.48	30.48	1.5	1.5	2	8.57	9.94	0.00	0.10
ELECTRIC PWR EQMT OP	ALL	ALL		43.76	54.80	1.5	1.5	2	6.81	12.25	0.00	0.44
ELECTRIC PWR GRNDMAN	ALL	ALL		29.96	54.80	1.5	1.5	2	6.40	8.39	0.00	0.30
ELECTRIC PWR LINEMAN	ALL	ALL		48.61	54.80	1.5	1.5	2	6.96	13.61	0.00	0.49
ELECTRIC PWR TRK DRV	ALL	ALL		31.42	54.80	1.5	1.5	2	6.44	8.80	0.00	0.31
ELECTRICIAN	ALL	ALL		33.29	36.62	1.5	1.5	2	6.95	12.40	0.00	0.55
ELECTRONIC SYS TECH	ALL	BLD		30.83	32.83	1.5	1.5	2	6.95	8.77	0.00	0.40
FENCE ERECTOR	ALL	ALL		32.21	34.11	1.5	1.5	2	8.84	10.02	0.00	0.90
GLAZIER	ALL	BLD		26.26	27.76	1.5	1.5	2	6.41	7.66	0.00	0.35
HT/FROST INSULATOR	ALL	BLD		31.23	32.23	1.5	1.5	2	7.51	6.16	0.00	0.25
IRON WORKER	ALL	ALL		32.61	34.51	1.5	1.5	2	10.64	11.67	0.00	0.90
LABORER	ALL	BLD		28.04	29.29	1.5	1.5	2	6.30	15.40	0.00	0.80
LABORER	ALL	HWY		30.85	31.85	1.5	1.5	2	6.30	15.48	0.00	0.80
LATHER	ALL	BLD		36.04	38.29	1.5	1.5	2	8.45	12.35	0.00	0.54
MACHINIST	ALL	BLD		45.35	47.85	1.5	1.5	2	7.26	8.95	1.85	0.00
MARBLE FINISHERS	ALL	BLD		30.48	30.48	1.5	1.5	2	8.57	9.94	0.00	0.10

MARBLE MASON	ALL	BLD		31.50	33.08	1.5	1.5	2	8.57	13.51	0.00	0.85
MILLWRIGHT	ALL	BLD		31.74	33.99	1.5	1.5	2	8.45	17.11	0.00	0.54
MILLWRIGHT	ALL	HWY		33.58	35.33	1.5	1.5	2	8.20	16.67	0.00	0.52
OPERATING ENGINEER	ALL	ALL	1	40.00	42.00	1.5	1.5	2	9.00	10.35	0.00	1.00
OPERATING ENGINEER	ALL	ALL	2	25.35	42.00	1.5	1.5	2	9.00	10.35	0.00	1.00
OPERATING ENGINEER	ALL	ALL	3	41.00	42.00	1.5	1.5	2	9.00	10.35	0.00	1.00
PAINTER	ALL	ALL		35.29	36.79	1.5	1.5	2	8.57	5.33	0.00	0.60
PAINTER SIGNS	ALL	BLD		37.45	42.05	1.5	1.5	2	2.60	3.18	0.00	0.00
PILEDRIVER	ALL	BLD		37.04	39.29	1.5	1.5	2	8.45	12.35	0.00	0.54
PILEDRIVER	ALL	HWY		36.20	37.95	1.5	1.5	2	8.45	12.95	0.00	0.52
PIPEFITTER	ALL	ALL		37.03	39.81	1.5	1.5	2	7.05	6.63	0.00	0.70
PLASTERER	ALL	BLD		32.35	34.35	1.5	1.5	2	8.57	11.75	0.00	0.50
PLUMBER	ALL	ALL		37.03	39.81	1.5	1.5	2	7.05	6.63	0.00	0.70
ROOFER	ALL	BLD		31.05	32.55	1.5	1.5	2	9.25	8.40	0.00	0.24
SHEETMETAL WORKER	ALL	BLD		36.10	38.10	1.5	1.5	2	8.95	15.14	0.00	0.52
SPRINKLER FITTER	ALL	BLD		37.12	39.87	1.5	1.5	2	8.42	8.50	0.00	0.35
STONE MASON	ALL	BLD		31.50	33.08	1.5	1.5	2	8.57	13.51	0.00	0.85
TERRAZZO FINISHER	ALL	BLD		30.48	30.48	1.5	1.5	2	8.57	9.94	0.00	0.10
TERRAZZO MASON	ALL	BLD		31.98	31.98	1.5	1.5	2	8.57	9.94	0.00	0.10
TILE MASON	ALL	BLD		31.98	31.98	1.5	1.5	2	8.57	9.94	0.00	0.10
TRUCK DRIVER	ALL	ALL	1	36.15	40.04	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	ALL	2	36.67	40.04	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	ALL	3	36.91	40.04	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	ALL	4	37.25	40.04	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	ALL	5	38.23	40.04	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	O&C	1	28.92	32.03	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	O&C	2	29.34	32.03	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	O&C	3	29.53	32.03	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	O&C	4	29.80	32.03	1.5	1.5	2	12.16	5.89	0.00	0.25
TRUCK DRIVER	ALL	O&C	5	30.58	32.03	1.5	1.5	2	12.16	5.89	0.00	0.25
TUCKPOINTER	ALL	BLD		31.50	33.08	1.5	1.5	2	8.57	13.51	0.00	0.85

Legend

M-F OT Unless otherwise noted, OT pay is required for any hour greater than 8 worked each day, Mon through Fri. The number listed is the multiple of the base wage.

OSA Overtime pay required for every hour worked on Saturdays

OSH Overtime pay required for every hour worked on Sundays and Holidays

H/W Health/Welfare benefit

Explanations VERMILION COUNTY

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day in some classifications/counties. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration. If in doubt, please check with IDOL.

Oil and chip resealing (O&C) means the application of road oils and liquid asphalt to coat an existing road surface, followed by application of aggregate chips or gravel to coated surface, and subsequent rolling of material to seal the surface.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date. ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

CERAMIC TILE FINISHER, MARBLE FINISHER, TERRAZZO FINISHER

Assisting, helping or supporting the tile, marble and terrazzo mechanic by performing their historic and traditional work assignments required to complete the proper installation of the work covered by said crafts. The term "Ceramic" is used for naming the classification only and is in no way a limitation of the product handled. Ceramic takes into consideration most hard tiles.

ELECTRONIC SYSTEMS TECHNICIAN

Installation, service and maintenance of low-voltage systems which utilizes the transmission and/or transference of voice, sound, vision, or digital for commercial, education, security and entertainment purposes for the following: TV monitoring and surveillance, background/foreground music, intercom and telephone interconnect, field programming, inventory control systems, microwave transmission, multi-media, multiplex, radio page, school, intercom and sound burglar alarms and low voltage master clock systems.

Excluded from this classification are energy management systems, life safety systems, supervisory controls and data acquisition systems not intrinsic with the above listed systems, fire alarm systems, nurse call systems and raceways exceeding fifteen feet in length.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION Class 1. Drivers on 2 axle trucks hauling less than 9 ton. Air compressor and welding machines and brooms, including those pulled by separate units, truck driver helpers, warehouse employees, mechanic helpers, greasers and tiremen, pickup trucks when hauling materials, tools, or workers to and from and on-the-job site, and fork lifts up to 6,000 lb. capacity.

Class 2. Two or three axle trucks hauling more than 9 ton but hauling less than 16 ton. A-frame winch trucks, hydrolift trucks, vactor trucks or similar equipment when used for transportation purposes. Fork lifts over 6,000 lb. capacity, winch trucks, four axle combination units, and ticket writers.

Class 3. Two, three or four axle trucks hauling 16 ton or more. Drivers on water pulls, articulated dump trucks, mechanics and working forepersons, and dispatchers. Five axle or more combination units. Class 4. Low Boy and Oil Distributors.

Class 5. Drivers who require special protective clothing while employed on hazardous waste work.

TRUCK DRIVER - OIL AND CHIP RESEALING ONLY.

This shall encompass laborers, workers and mechanics who drive contractor or subcontractor owned, leased, or hired pickup, dump, service, or oil distributor trucks. The work includes transporting materials and equipment (including but not limited to, oils, aggregate supplies, parts, machinery and tools) to or from the job site; distributing oil or liquid asphalt and aggregate; stock piling material when in connection with the actual oil and chip contract. The Truck Driver (Oil & Chip Resealing) wage classification does not include supplier delivered materials.

OPERATING ENGINEERS - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION Class 1. Draglines, Derricks, Shovels, Gradalls, Mechanics, Tractor Highlift, Tournadozer, Concrete Mixers with Skip, Tournamixer, Two Drum Machine, One Drum Hoist with Tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Tournapull, Tractor Operating Scoops, Bulldozer,

Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Dredging Equipment, or Dredge Engineer, or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Engineer or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machine, including Well Testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Span Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver-Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart- Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker, Lull (or similar type Machine), Two Air Compressors, Compressors hooked in Manifold, Chip Spreader, Mud Cat, Sull-Air, Fork Lifts (except when used for landscaping work), Soil Stabilizer (Seaman Tiller, Bo Mag, Rago Gator, and similar types of equipment), Tube Float, Spray Machine, Curing Machine, Concrete or Asphalt Milling Machine, Snooper Truck-Operator, Backhoe, Farm Tractors (with attachments), 4 Point Lift System (Power Lift or similar type), Skid-Steer (Bob Cat or similar type), Wrecking Shears, Water Blaster.

Class 2. Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self-Propelled Concrete Saw, Machine Mounted Post Hole Digger, two to four Generators, Water Pumps or Welding Machines, within 400 feet, Air Compressor 600 cu. ft. and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift (when used for landscaping work), Concrete and Blacktop Curb Machine, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunnite Machine, House Elevators when used for hoisting material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Bulk Cement Plant, Equipment Greaser, Deck Hands, Truck Crane Oiler-Driver, Cement Blimps, Form Grader, Temporary Heat, Throttle Valve, Super Sucker (and similar type of equipment).

Class 3. Power Cranes, Truck or Crawler Crane, Rough Terrain Crane (Cherry Picker), Tower Crane, Overhead Crane.

Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate

applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 217-782-1710 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.