

# Shoreline Management Permitting Guidance

for development along Illinois' Lake Michigan shore

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## Online Resources:

[Illinois Coastal Management Program](#)

[Illinois EPA](#)

[Illinois Office of Water Resources](#)

[United States Army Corps of Engineers – Chicago District](#)



Illinois Department of Natural Resources  
Coastal Management Program  
160 N. LaSalle St S703  
Chicago, IL 60601  
312-814-1405  
DNR.CMP@illinois.gov

# Introduction

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This guidance document is intended to provide an overview of the existing authorities and their respective regulatory entities regarding Lake Michigan shoreline development in Illinois. The information presented in this guidance document captures regulatory requirements at the federal, state, and local level that may be required for a set of activities proposed within or near Lake Michigan and its associated waterways.

As each shoreline project is unique, this document should only be used as a guide to determine which regulatory authorities *may* apply to your shoreline project. Following a review of this guidance, it is highly recommended that you contact the agencies referenced below to determine the specific requirements for your project.

## 1. Federal Regulations

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### [United States Army Corps of Engineers \(USACE\)](#)

Under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA), a permit from the USACE may be required for the discharge of dredged or fill material in waters of the United States (WOTUS). Impacts of a proposed project will determine the type of permit that is required. Further information on the type of permits available can be found in Section 4 below.

#### ***What activities are regulated?***

Activities regulated under Section 404 of the CWA include, but not limited to, the discharge of fill in wetlands and WOTUS to facilitate the construction of revetments, seawalls/bulkheads, groins, breakwaters/offshore structures, beach nourishment, and modifications to existing structures. Activities regulated under Section 10 of the RHA must occur within navigable WOTUS. Examples of such activities include, but not limited to, the installation of structures not requiring fill, maintenance and removal of existing structures, and dredging projects.

#### **Federal Consistency:**

All non-federal entities applying to the USACE for an Individual Permit or Letter of Permission (detailed in section 4) must submit a Federal Consistency Certificate to the Illinois Department of Natural Resources, Coastal Management Program (ICMP) for concurrence. Instructions for submitting this certificate can be found [here](#). The ICMP's review requires a 30-day public notice. Questions concerning ICMP Federal Consistency Certificates can be addressed to Jim Casey at 312-793-5947 or [james.casey@illinois.gov](mailto:james.casey@illinois.gov).

#### **Contact Information:**

Kathy Chernich ([Kathy.G.Chernich@usace.army.mil](mailto:Kathy.G.Chernich@usace.army.mil))

USACE Chicago District Regulatory Branch

231 S. LaSalle Street, Suite 1500

Chicago, IL. 60604

(312) 846-5531

## 2. State Regulations

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### [Illinois Department of Natural Resources – Office of Water Resources \(IDNR OWR\)](#)

The Rivers, Lakes and Streams Act of 1911 gives IDNR OWR regulatory authority over any construction within a public body of water and for construction within floodways and is implemented using the IDNR OWR's Part 3704 Rules "[THE REGULATION OF PUBLIC WATERS](#)". Joint permits are required for any work in Lake Michigan from IDNR OWR and Illinois Environmental Protection Agency (IEPA). Contact information for IDNR OWR and IEPA is provided on this page below.

#### ***What activities are regulated?***

Examples of work include, but are not limited to: revetments, seawalls/bulkheads, groins, breakwaters/offshore structures, beach nourishment, piers, and modifications to existing structures.

#### ***Do all activities require a permit?***

Proposed projects that fall outside of the waters or influence of coastal processes of Lake Michigan do not require a permit. This includes: projects on a bluff, areas upslope or landward of the existing bluff toe, and routine maintenance and repair of existing structures.

#### ***Contact information:***

Russ Flinchum ([Russell.G.Flinchum@illinois.gov](mailto:Russell.G.Flinchum@illinois.gov))  
IDNR Office of Water Resources  
160 N. LaSalle Street, Suite S-703  
Chicago, IL 60601  
312-793-3123

### [Illinois Environmental Protection Agency \(IEPA\)](#)

Under Section 401 of the Clean Water Act (CWA), a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into WOTUS unless a state where the discharge would originate issues a Section 401 water quality certification verifying compliance with existing water quality requirements or waives the certification requirement. IEPA issues water quality certifications pursuant to Section 401 of the federal CWA. Contact information for IEPA is provided below. For projects that IDNR OWR has determined will need a joint permit in accordance with Section 18 of the Rivers, Lakes, and Streams Act, the IEPA will make a determination if the project will comply with applicable water quality standards and other applicable rules issued by the Illinois Pollution Control Board.

#### ***How do I determine if my project needs 401 water quality certification?***

After a permit applicant submits a Joint Application form, USACE will make a determination on whether a project requires 401 water quality certification by IEPA. See section 4 for full application instructions.

#### ***Contact information:***

Darin LeCrone ([Darin.LeCrone@Illinois.gov](mailto:Darin.LeCrone@Illinois.gov))  
Illinois Environmental Protection Agency,  
Bureau of Water  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-3362

### 3. Local Regulations

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Several municipalities have additional local lakefront ordinances that development activities must meet. These additional ordinances are related to development in the steep slope zone (except Chicago, see below), which is often characterized as bluffs seen along the northern Illinois Lake Michigan shoreline. If your activity falls in or near a steep slope zone, it is important to contact the local municipality before development to ensure full compliance with local ordinances. Contact information and links to regulatory documents are provided below.

The Chicago Department of Transportation (CDOT) regulates all development activity in and within 40 ft. of the Base Flood Elevation (BFE) of any City of Chicago waterway. If your work falls within this area, a Harbor Permit may be required. Contact information is provided below.

#### ***What activities are regulated by CDOT?***

Examples of work include, but not limited to: dockwalls, earth retention systems, storm sewer outfalls, riverwalk and landscaping, repairs to existing dockwalls, demolition, and backfilling.

#### ***How do I obtain a Harbor Permit?***

After reviewing the project drawings and the scope of work, CDOT will determine what drawings need to be submitted for the issuing a Harbor Permit and inform the applicant what other permits may be required from outside agencies. CDOT will not issue a Harbor Permit until all permits have been obtained from all other federal, state and local agencies.

### Municipality Contact Information

#### *Cook County:*

##### [Kenilworth](#)

John Kalmar  
Village Planner  
Building/Planning Division  
419 Richmond Road  
Kenilworth, IL 60043  
[jkalmar@vok.org](mailto:jkalmar@vok.org)  
847-251-1666 ext. 5253

##### [Glencoe](#)

Public Works Department  
675 Village Court  
Glencoe, IL 60022  
[publicworks@villageofglencoe.org](mailto:publicworks@villageofglencoe.org)  
847-461-4111

##### [Chicago](#)

Oswaldo E. Chaves  
Chicago Department of  
Transportation  
Division of Engineering  
30 N LaSalle Street, Suite 400  
Chicago, IL 60602  
[Oswaldo.Chaves@cityofchicago.org](mailto:Oswaldo.Chaves@cityofchicago.org)  
312-742-0647

#### *Lake County:*

##### [Highland Park](#)

Building Division  
Public Services Building  
1150 Half Day Road  
Highland Park, IL 60035  
847-432-0808

##### [Lake Forest](#)

Byron Kutz  
Superintendent  
Engineering  
800 North Field Drive  
Lake Forest, IL 60045  
847-810-3555

##### [Lake Bluff](#)

Michael Croak  
Building Codes Supervisor  
Building Division of the  
Community Development  
Department  
847-283-6885

##### [Waukegan](#)

Max Pekcan  
General Manager  
Waukegan Port District  
F3 Marinas  
[mpekcan@waukeganport.com](mailto:mpekcan@waukeganport.com)  
847-244-3133

## 4. Applying for a Permit

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### 1. Application

- a. Permit applicants should begin by reviewing the USACE [Application Checklist](#), IDNR OWR [Shore Protection Project Guidelines](#), and IEPA [401 Water Quality Certification Guidelines](#) to determine the application materials required for their project. Applications will typically begin with completing a [Joint Application form \(Guidelines\)](#) and submitting to USACE, IDNR OWR, and IEPA along with all required supplemental materials. Following submittal, USACE will determine whether a 401 Water Quality Certification is required by IEPA.

### 2. Types of Permits

#### a. USACE

##### i. Individual Permit

1. Individual permits are usually required for projects considered large in scope and/or involving potentially conflicting issues in environmentally sensitive areas, and are often required for projects involving navigable waters. The majority of individual permit decisions are made within 120 days from the date of receiving a complete application, however complex and/or controversial permit decision may take longer.

##### ii. [Nationwide Permits \(NWP\)](#)

1. NWPs include specific project limitations and conditions to ensure that adverse environmental effects are minimal and that the aquatic environment is protected. If a permit applicant designs a project to meet these limitations and conditions, the Corps can provide a simplified and expedited review.

##### iii. [Lake Michigan Regional General Permit \(LMRGP\)](#)

1. The LMRGP authorizes a group of activities within Lake Michigan which would have minimal impacts on aquatic resources, with the purpose of providing a simplified and expeditious means for review of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

##### iv. [Shoreline Regional General Permit \(Shoreline RGP\)](#)

1. The Shoreline RGP authorizes a group of activities which would have minimal impacts on aquatic resources, with the purpose of providing a simplified and expeditious means for review of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

##### v. Expiration

1. Individual permits are valid for five years, while LMRGP's are valid for three years. Activities under the Shoreline RGP are valid until the permit's expiration.

##### vi. Fees

1. A processing fee of \$10 or \$100 may be requested before final validation of an Individual Permit, depending on the applicant.
2. Fees are not charged for transferring a permit from one property owner to another, for nationwide or regional general permits, for letters of permission, or for permits issued to governmental agencies.

**b. IDNR OWR**

i. [General Permit No. 1-LM:](#)

1. The purpose of this General Permit is to expedite the processing of applications for permit for the construction of parallel shoreline protection projects in Lake Michigan which, by being in compliance with the terms and conditions of this permit, are determined to comply with the purpose and intent of the Illinois Department of Natural Resources, Office of Water Resources' rules for construction in rivers, lakes and streams.
2. Will expire three years from December 31 of the year in which the authorization is granted unless previously revoked or specifically extended.

ii. Individual Permit:

1. An Individual Permit will be issued for projects that fall outside the scope of General Permit No. 1-LM.

iii. [Fees](#)

1. Applicants must pay a non-refundable permit application review fee associated with the level of review required to approve or deny the activity.

iv. Expiration

1. Both General Permit No. 1-LM and a Regular Permit are valid through December 31, three years from the year issued. The expiration date can be modified depending on the activity and extensions can be requested.

**c. IEPA**

i. [401 Water Quality Certification](#)

1. A summary of 401 Water Quality Certification can be found on pg. 2

ii. Final determination in accordance with [415 ILCS 5/39\(n\)](#) for a Joint Permit with IDNR OWR.

iii. [Fees](#)

1. The fee amount for a 401 Water Quality Certification is \$350 or 1 percent of the gross value of the proposed project, whichever is greater, with a maximum fee of \$10,000 for any application. The fee must be included with all applications.
2. There is no fee for a final determination issued for a Joint Permit with IDNR OWR.

iv. Expiration

1. Unless specifically set forth within the 401 certification or final determination, the expiration date of the USACE permit or IDNR permit will govern.