

# US ARMY CORPS OF ENGINEERS CHICAGO DISTRICT

## PROGRAM OVERVIEW & MINOR DREDGING



US Army Corps  
of Engineers®

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# US ARMY CORPS MISSION AND AUTHORITY

*The mission of the U.S. Army Corps of Engineers (USACE) Regulatory Program is to protect the nation's aquatic resources and navigable capacity while allowing economic development through fair and balanced decisions.*



US Army Corps  
of Engineers ®





# US ARMY CORPS MISSION AND AUTHORITY

## Section 404 Clean Water Act

Regulates the discharge of dredged or fill material in waters of the U.S., including wetlands



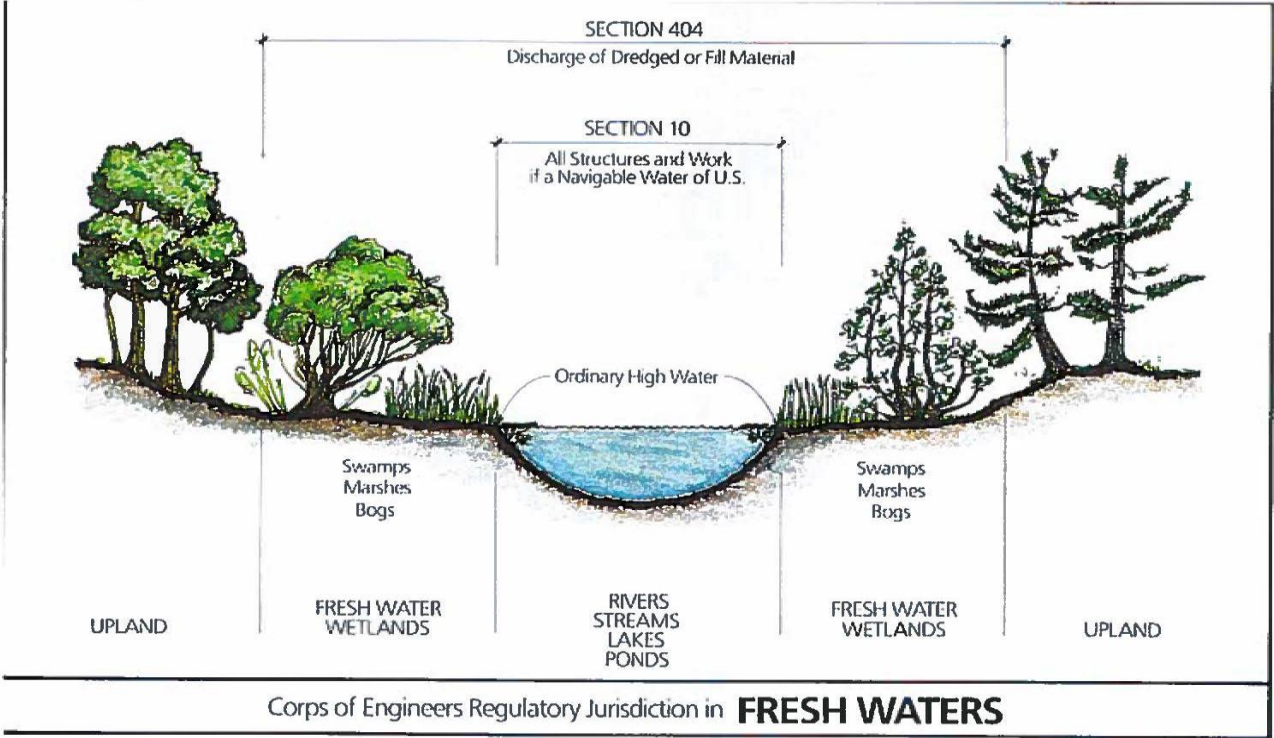
## Section 10 Rivers & Harbors Act of 1899

Regulate all structures or work in, over or under navigable waters of the U.S.




# US ARMY CORPS MISSION AND AUTHORITY

## Simplified Jurisdiction in Fresh Waters



# NATIONWIDE PERMIT BACKGROUND

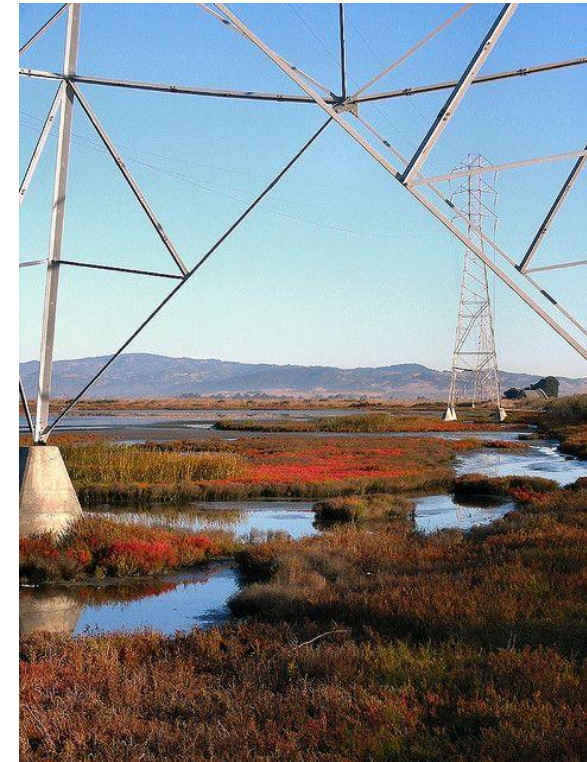
- First issued in 1977
  - 15 NWP and 14 GC
- 
- Currently in 2023
  - 59 NWP and 32 GC
- General permits issued by Corps Headquarters to authorize activities across the country
    - Categories of activities with no more than minimal individual and cumulative adverse environmental effects
    - Reissuance process every 5 years
  - Authorize ~65,000 activities per year
  - Current Nationwide Permits in Illinois Expire March 14, 2026



# NATIONWIDE PERMIT TYPES

## Examples of Types of Activities Authorized:

- NWP 3: Maintenance
- NWP 13: Bank Stabilization
- NWP 14: Transportation
- NWP 18: Minor Discharges
- NWP 19: Minor Dredging
- NWP 27: Aquatic Habitat Restoration, Enhancement
- NWP 29 / 39: Residential, Commercial, Institutional Developments
- NWP 33: Temporary Construction, Access, and Dewatering
- NWP 42: Recreational Facilities
- NWP 12 / 57 / 58: Utility line activities



# WHAT CONSTITUTES A NATIONWIDE PERMIT?

Every Nationwide Permit includes:

- The terms of the NWP
- The General Conditions of the NWP
- The Regional Conditions of the NWP
- The Water Quality Certification General (and sometimes Special) Conditions, and...

The project must have no more than minimal individual/cumulative adverse effects



# General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Materials
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project\*
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permits Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

\*Associated with Definition: Single and Complete Linear Project





## NATIONWIDE PERMIT 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).

## NATIONWIDE PERMIT 19 - MINOR DREDGING

- No more than 25 cubic yards below the plane of the ordinary high water mark
- In part, does not authorize the dredging or degradation through siltation 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), or wetlands
- All dredged material must be deposited and retained in an area that has no waters of the United States

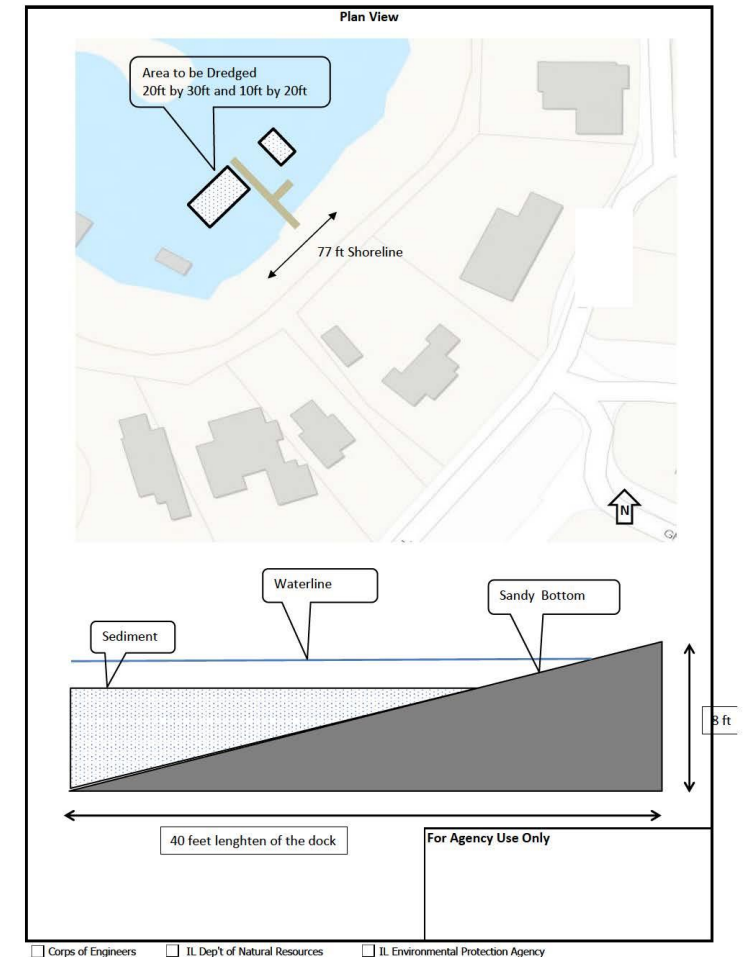


## APPLICATION MATERIALS

- A completed, signed, and dated application form. Please describe which permit for which you are applying.
- A location map where the proposed work would be conducted, including the address and major crossroads for reference. You may use a site like [Google Maps](#), or your local County map service (see menu on lower left)
- An engineering plan or drawing of the proposed work. Plans can be drawn on a copy of your plat of survey and should include length, width, and volume of material to be dredged. While hand drawn plans are acceptable, please try to draw as close to scale as possible.
- Application must indicate where dredge material is being disposed of.

# APPLICATION MATERIALS

- A completed, signed, and dated application form. Please describe which permit for which you are applying and how you are going to conduct the work.
- A location map where the proposed work would be conducted, including the address and major crossroads for reference. You may use a site like Google Maps, or your local County map service (see menu on lower left).
- An engineering plan or drawing of the proposed work. Plans can be drawn on a copy of your plat of survey and should include length, width, and volume of material to be dredged. While hand drawn plans are acceptable, please try to draw as close to scale as possible.
- Application must contain information on the permanent disposal location of the removed fill material.





# PCN VS NON-PCN

- **Pre-Construction Notification (PCN):** Joint application form and associated documents (Engineering plans, delineation, etc.) See GC 32
- PCN ***may be required*** by the terms and conditions of a nationwide permit, by regional conditions, or if non-PCN threshold is exceeded requiring notification
  - Project proponents must clearly understand the notification thresholds, general and regional conditions as not submitting a PCN can result in Unauthorized Activity enforcement or Non-Compliance action depending upon project impacts
  - Special Conditions of IEPA's water quality certification are also conditions of the pertinent NWP
- A PCN 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
- Local ordinances may require a permit from us, regardless of whether the activity qualifies as non-PCN



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# ENFORCEMENT AND COMPLIANCE

- Section 10 of the Rivers and Harbors Act of 1890 (33 U.S.C. 403a) violations may be subject to civil or criminal penalties and fines of up to \$10,000 which is accrued per day, and/or imprisonment, and you may also be required to restore the site.
- Section 301 of the Clean Water Act (33 U.S.C. 1311) violations may be subject to civil or criminal penalties and fines of up to \$32,500 per day or imprisonment and may also be required to restore the site.
- Work can be ordered to cease and desist on the project until this violation is resolved.

# QUESTIONS?

## WEBSITE:

<https://www.lrc.usace.army.mil/Missions/Regulatory/Illinois/IL-Nationwide-Permits/>





# CONTACT INFORMATION

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