

STATE OF ILLINOIS
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF WATER RESOURCES
160 N. LaSalle Street, Suite S-700
Chicago, IL 60601

GENERAL PERMIT NO. 1-LM

TO AUTHORIZE THE CONSTRUCTION OF PARALLEL SHORELINE PROTECTION
PROJECTS IN LAKE MICHIGAN

PURPOSE

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. Subsequent to the effective date of this permit, qualifying parallel shoreline protection projects in Lake Michigan will be authorized by letter from the Office of Water Resources upon receipt of a complete application and plans, unless, in the discretion of the Office, normal permit processing is necessary to insure adequate review.

APPLICABILITY

This permit applies to parallel shoreline protection projects in the Illinois portion of Lake Michigan. However, authorizations will not be granted under this permit for projects which would conflict with a federal, state or local project or improvement, or with any other rule of the Department.

In order to be considered for authorization under this permit, parallel shoreline protection projects in Lake Michigan must meet the following special conditions.

SPECIAL CONDITIONS

1. Bank and shoreline protection shall consist only of rock riprap, sand-filled bags, revetments, permeable or impermeable breakwaters, or bulkheads. Bulkheads must be constructed of steel, wood, or concrete.

2. Except for those structures which must be placed in offshore water in order to be hydraulically effective to control wave action and shore erosion (such as breakwaters, underwater reefs, and similar structures), bank and shoreline protection shall be located as close to the existing bank or bulkheads as feasible.
3. Parallel shore protection structures must be constructed of clean material(s) such as steel, wood, poured or precast concrete, or field stone and shall not exceed 300 feet in length (for each individual property owner). Materials placed behind a bulkhead or revetment must be clean material, i.e., sand, gravel, or rock, etc. If broken concrete is used as backfill, all reinforcing rods must be cut flush with the surface of the concrete. Any clay or dirt placed as backfill must be completely contained by an impermeable bulkhead. No debris, asphalt, toxic material or organic material will be allowed.
4. All work is to be conducted so as to minimize increases in suspended solids.
5. If the proposed work consists of a bulkhead and fill, the bulkhead must be completed prior to placement of the fill.
6. There shall be no dredging of materials below the ordinary high water mark (elevation 581.5 IGLD 1985). Excavation shall be limited to that necessary to place the toe of the structure. Material excavated during the construction of the project shall not be placed in Lake Michigan.
7. No work shall be commenced prior to approval under this permit. Projects begun prior to the issuance of an authorization letter will not be eligible for authorization under this permit.
8. No work under this permit may be performed on or offshore of an adjacent owner's property without written permission of the adjacent owner, or in a man-made harbor, or within a 200 foot reach on either side of the mouth of any waterway that flows into or out of Lake Michigan.
9. If any historical or archeological materials are revealed by activities authorized by this permit, operations shall be suspended and the permittee shall notify the Staff Archeologist, Historic Preservation Agency, One Old State Capitol Plaza, Springfield, IL 62701.
10. There shall be no unreasonable interference with navigation by the existence or use of the structure authorized herein.
11. Multiple projects of adjacent individual owners that may create cumulative detrimental impacts, projects in environmentally sensitive areas, or projects that may have unusual impacts to the lake and/or surrounding areas may be excluded from processing under this General Permit.

12. The Department may impose additional special conditions as deemed appropriate.

In addition, the following general conditions are applicable to all individual authorizations issued under this permit.

GENERAL CONDITIONS

1. This permit is granted in accordance with the Rivers, Lakes, and Streams Act, 615 ILCS 5 (1996 State Bar Edition).
2. The authorization does not convey 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 proposed project 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 parties.
3. The authorization does not release the permittee from any liability for damage to persons or property resulting from the work covered by the authorization, and does not authorize any injury to private property or invasion of private rights.
4. The permittee shall remove all temporary piling, cofferdams, false work, excavation and the material incidental to the construction of the project from Lake Michigan at his own expense. If the permittee fails to remove such structures or materials, the State may have the removal made at the expense of the Permittee.
5. If future need for public navigation by the state or federal governments necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the Permittee or his successors as required by the Department of Natural Resources, or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
6. The permittee and his successors shall make no claim whatsoever to any interest or accretion caused by the project.
7. The execution and details of the work hereby authorized shall be subject to the supervision and approval of the Department of Natural Resources, Office of Water Resources. Department personnel shall have right of access to accomplish this purpose.
8. There shall be no deviation 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.

9. The Department of Natural Resources in issuing the authorization has relied upon the statements and representations made by the permittee; if any statement or representation made by the permittee is found to be false, the authorization may be revoked at the option of the Department; and when an authorization is revoked all rights of the permittee under the authorization are voided.
10. The authorization 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 approval from any federal agency to do the work, the Department's authorization is not effective until the federal approval is obtained.
11. In issuing the authorization, the Department of Natural Resources does not approve the adequacy of the design or structural strength of the structure or improvement.
12. Noncompliance with any of the conditions of this General Permit will be considered grounds for revocation of the authorization.
13. Maintenance and repair of the structures is essential, and is the responsibility of the permittee or successor. In the event lack of maintenance of a structure would adversely affect the rights or interests of the People of the State of Illinois, the navigability, or the natural conditions of the lake, the Department may initiate enforcement proceedings or file appropriate action or actions in a court of competent jurisdiction to require maintenance or removal, or other relief consistent with its obligation under the law.
14. This General Permit shall remain in effect until such time as it is modified, suspended, or revoked by the Department of Natural Resources. Individual authorizations granted under the terms and conditions of this General Permit will expire three (3) years from December 31 of the year in which the authorization is granted unless previously revoked or specifically extended.

DEFINITIONS

- Breakwater: A structure protecting a shore area, harbor, anchorage, or basin from wave action.
- Bulkhead: A structure or partition to retain or prevent sliding of land or to protect the upland against damage from wave action.
- Revetment: A facing of stone, pre-cast concrete or other non-contaminated material built to protect a bank, shoreline, or shore structure against erosion by wave action or currents.

Riprap: A layer, facing or protective mound of stones randomly placed to prevent erosion, scour, or sloughing of a structure, beach, or embankment.

This General Permit was issued on July 13, 1983 and last modified or corrected on March 15, 1999.

APPROVED:

Brent Manning, Director

RECOMMENDED:

Martin J. Stralow, Division Manager
Division of Resource Management

APPROVAL RECOMMENDED:

Donald R. Vonnahme, Director
Office of Water Resources

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