

The Board of Commissioners amended the Watershed Management Ordinance (WMO) on May 2, 2024. This amendment removed language referring to Jurisdictional Determinations issued by the United States Army Corps of Engineers (Corps).

Previously, the WMO required applicants to request a Jurisdictional Determination (JD) from the Corps when wetlands are present on or within 100 feet of a development site. The JD establishes whether a wetland falls under the Corps' jurisdiction. If it does, the development is subject to the Corps' permitting and regulations. If it does not, the development is regulated as an isolated wetland under the WMO.

The Chicago District of the Corps recently refined its workload priorities away from completing JDs. As such, the Corps no longer offers applicants an estimated time by which a JD will be issued. Because the Corps' policy change will lead to significant delays in WMO permitting, WMO was amended to eliminate the requirement for JDs.

The amended language still requires a Corps' permit when there are impacts to jurisdictional wetlands. But the amended language provides that all wetlands on a development will be subject to the WMO's regulations for isolated wetlands unless the applicant provides either a Corps' permit or other official document from the Corps that the wetland is jurisdictional.

The Engineering Department is currently finalizing a separate draft WMO amendment that will address several other topics. The Engineering Department will request authority to seek public comments on that draft amendment later this year and will also review any comments on this amendment to determine if additional modifications are needed. If any further changes to the WMO wetland regulation are deemed necessary, they will be incorporated into the forthcoming draft amendment.

The Ordinance, as amended, took effect on May 2, 2024.