**Section 3700.45 Permit Application Fee**

a) If a permit is required for the activity proposed and is not already permitted by a Statewide Permit authorization (see Section 3700.80), permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application will not be initiated until the review fee is received.

1) The base review fee will be as follows:

A) $200 for previously permitted construction activities requiring new permit authorization in accordance with Section 3700.88 and not involving any changes from the previously permitted activity; or

B) $500 for construction activities that comply with the terms and conditions of a general permit (in accordance with Section 3700.85); or

C) $1000 for construction activities that the Department determines will not require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Sections 3700.60, 3700.70 and 3700.75; or

D) $2500 for construction activities such as levees, certain bridge/culvert crossings, and major floodway filling that the Department determines will require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Sections 3700.60, 3700.70 and 3700.75. The base review fee shall be increased an additional $1500 for applications requiring public notice in accordance with Section 3700.50.

2) Annual Escalation Adjustment

A) The base review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984 = 100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI index since June 2013 and shall be calculated according to the following formula:

|  |  |  |
| --- | --- | --- |
| Adjustment factor | = | CPI (May of current year) |
| CPI (June 2013) |

B) The base fee amounts in subsection (a)(1) shall be multiplied by this factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review fee shall be capped at $5000. The dollar amounts that result from these calculations will be posted on the Department's website at: www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects

If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3702 and/or 3704, the review fee for each Part shall be added to calculate the total review fee. The total review fee shall be capped at $5000.

b) Submission of Fees

1) Except when possible through electronic fee submittal, the applicant shall submit the required fee amounts in the form of a check or money order made payable to the Illinois Department of Natural Resources.

2) If the review fee is not received within 90 days after the Department's notification of the amount of that fee, the application shall be deemed withdrawn. A new application and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35).

c) Refund of Permit Application Fees

Except for refunding of overpayments, permit application fees shall not be refunded. Application fees are tendered for consideration of the application only and do not imply any promise of permit issuance by the Department.

(Source: Amended at 39 Ill. Reg. 1158, effective December 31, 2014)