**Section 3704.30 Jurisdiction**

a) Construction in any public body of water is subject to this Part and requires a permit from the Department.

b) Any activity on a public body of water that could result in a restriction of the access to, or use or enjoyment of, the water, such as the temporary placement of floating buildings for commercial purposes and the designation of areas for exclusive use for sporting events, is subject to this Part and requires a permit from the Department.

c) Any activity along the Lake Michigan shoreline that is located at or below the Ordinary High Water Mark (OHWM) is subject to this Part and requires a permit from the Department. In cases in which the OHWM is lakeward of the existing bluff, the toe of the bluff will be used to determine the Department's jurisdiction.

d) The following activities are exempt from this Part:

1) Normal and lawful uses of a public body of water, such as commercial navigation, boating, fishing, trapping, hunting, swimming and wading;

2) Barge fleeting areas;

3) Duck blinds that comply with the regulations of the Illinois Department of Natural Resources;

4) The removal of trash or other debris;

5) Routine maintenance and repair of existing structures;

6) Channel marking buoys and other similar navigation devices placed by public agencies; and

7) The replacement of appurtenant navigation structures, such as mooring cells, at existing barge terminal facilities.

(Source: Amended at 38 Ill. Reg. 966, effective December 27, 2013)