**Section 3704.55 Permit Application Fee**

a) If permit is required for the activity proposed and is not already permitted by a Statewide Permit authorization (see Section 3704.110), 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 shall not be initiated until the review fee is received.

1) The base principal review fee shall be as follows:

A) $200 for previously permitted activities requiring new permit authorization in accordance with Section 3704.125 and not involving any changes from the previously permitted activity; or

B) $500 for activities that comply with the terms and conditions of a general permit, in accordance with Section 3704.120; or

C) $2500 for activities that the Department determines would not likely have any of the impacts listed in Section 3704.80(a); or

D) $4500 ($5000 for Lake Michigan) for more extensive activities such as new barge terminals, marinas and water level management structures that would likely have one or more of the impacts listed in Section 3704.80(a).

2) Annual Escalation Adjustment

A) The 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 3700, 3702 and/or 3708, the review fee for each Part shall be added to calculate the total review fee. The 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 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. 1170, effective December 31, 2014)