

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 11/4/2015**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Chicago District, Northern Builders JD, 2004-22513

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** A 36.527 review area located at 22060 South Gougar Road

State: Illinois County/parish/borough: **Will** City: New Lenox  
Center coordinates of site (lat/long in degree decimal format): Lat. 41.486421°N, Long. -88.003391°W.  
Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Sugar Run

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Des Plaines River**

Name of watershed or Hydrologic Unit Code (HUC): **Des Plaines (07120004)**

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.  
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form. A previous JD was completed for the northern half section of the review area on January 27, 2004, under the same file number. The JD concluded that the only potential water of the U.S. identified on the site, i.e. a wetland swale in the northeast portion of the site, was isolated from its historic connection with an unnamed tributary of Sugar Run by "prior converted" cropland and was therefore not jurisdictional.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: 11/4/2015  
 Field Determination. Date(s): 10/2/2015

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.  
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: Defined in People of State of Ill. ex rel. Scott v. Hoffman, No. P-CIV-76-45, slip op. at 7 (S.D.Ill. Jan. 20, 1979).

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):** <sup>1</sup>

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.  
Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on:** **Pick List**

Elevation of established OHWM (if known): .

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: **Pick List.**

Summarize rationale supporting determination: As defined in People of State of Ill. ex rel. Scott v. Hoffman, No. P-CIV-76-45, slip op. at 7 (S.D.Ill. Jan. 20, 1979).

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent":

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

**1. TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
- Wetlands adjacent to TNWs: acres.

**2. RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: The onsite tributary starts at the outfall of a detention basin where it appears to flow continually. The channel, 4 feet wide and 180 feet long within the review area has a clear bed and bank and ordinary high water mark identified by water staining and a change in vegetation, indicating frequent flow. The tributary is mapped on the USGS as an intermittent stream that flows west into Sugar Run. However, since the time the USGS map was produced, significant changes to the site occurred and this stream is now getting water from the pond, from groundwater and from the developed portion of the property. Immediately outside of the review area, the tributary flows into an inlet for a drain tile located under a grassed swale. Based on aerial views of conditions that predate the development of the northern section of the site and based on map resources, this tile is believed to outlet into Sugar Run.

Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **180** linear feet **4** width (ft).
  - Other non-wetland waters: acres.
- Identify type(s) of waters:

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
  - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
  - Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

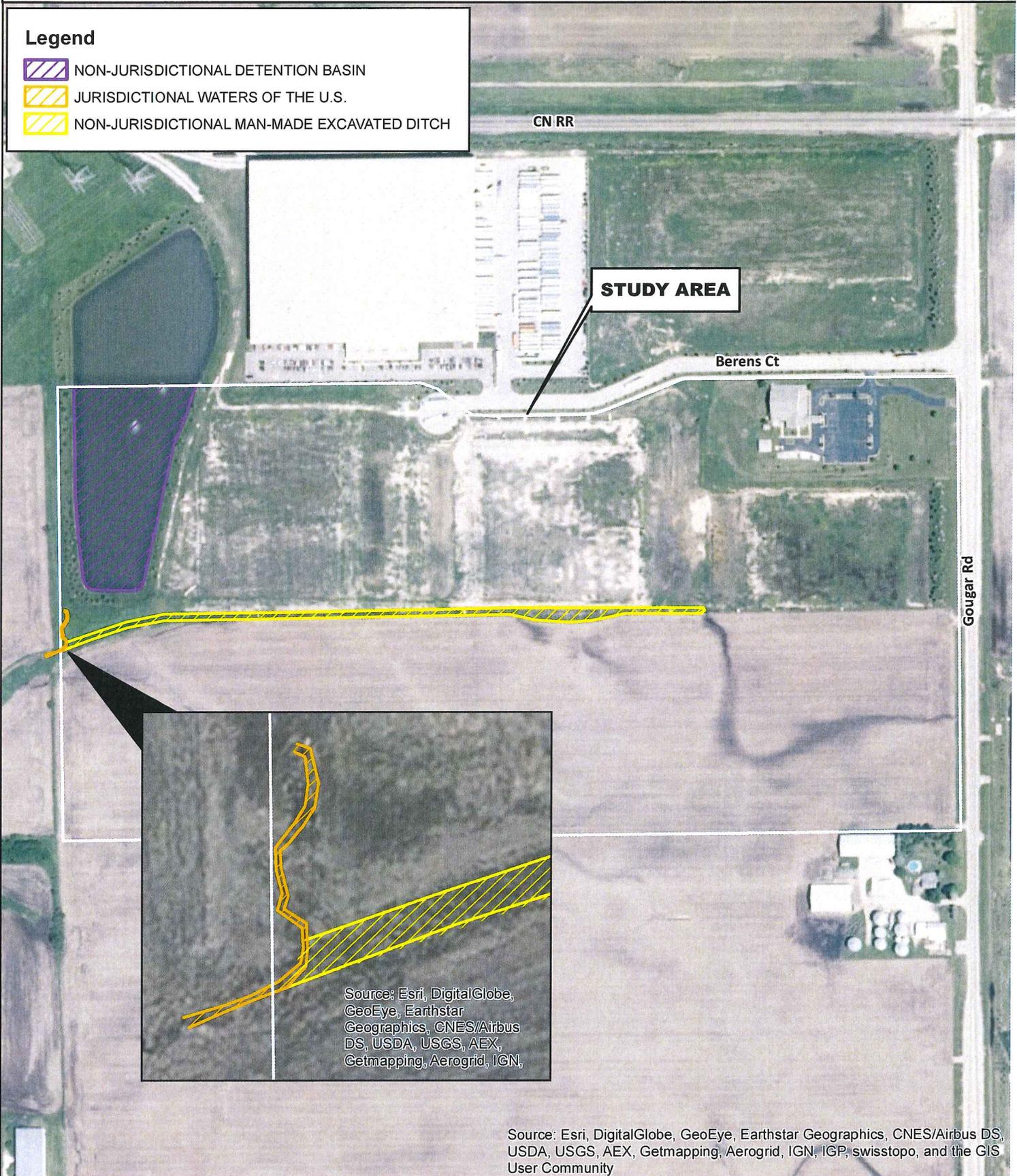
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Christopher B. Burke Engineering, Ltd.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas: Elwood HA 254, 1967,.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Elwood 7.5", 1993.
- USDA Natural Resources Conservation Service Soil Survey. Citation: **NRCS Web Soil Survey**.
- National wetlands inventory map(s). Cite name: Pick List,
- State/Local wetland inventory map(s): **Pick List**,
- FEMA/FIRM maps: 150337 FIRM.
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Aerial views obtained on Google Earth Pro and dated 4/1993, 3/2002, 5/2005, 8/2006, 10/2007, 3/2012, 3/2015.
  - or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter: Previous determination dated January 27, 2004 under same file number. That determination was limited to the northern half of the review area.
- Applicable/supporting case law: People of State of Ill. ex rel. Scott v. Hoffman, No. P-CIV-76-45, (S.D.Ill. Jan. 20, 1979)

- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** The site also contains a detention basin that was constructed in 2007 in the section where the previous JD confirmed that no waters of the U.S. were present; therefore, this detention basin is not regulated. In addition, there is a ditch which was also constructed when the site was developed in 2007. The ditch has no relatively permanent flow and was not constructed in a water of the U.S. Consequently, it is not regulated.

**Legend**

-  NON-JURISDICTIONAL DETENTION BASIN
-  JURISDICTIONAL WATERS OF THE U.S.
-  NON-JURISDICTIONAL MAN-MADE EXCAVATED DITCH



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN,

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CLIENT: 

TITLE: **APPROXIMATE WETLAND DELINEATION**

CBBEL # 15-0337  
 DATE: 9/7/15

 **CHRISTOPHER B. BURKE ENGINEERING, LTD.**  
 9575 W. Higgins Road, Suite 600 · Rosemont, Illinois 60018 · (847) 823-0500

DWN.	KEK	SCALE:	1" = 379'
CHKD.	TJK	PLOT DATE:	10/28/2015
FILE NAME:	150337_AWD		

**EXH 6**

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