

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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

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, Kappos Property, LRC-2015-530

C. PROJECT LOCATION AND BACKGROUND INFORMATION: A 67-acre parcel located northwest of Schmidt and Remington Roads

State: Illinois County: **Will** City: Bolingbrook
Center coordinates of site (lat/long in degree decimal format): Lat. 41.67989°N, Long. -88.09184° W.
Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Lily Cache Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None

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.

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

Office (Desk) Determination. Date: 10/13/2015

Field Determination. Date(s):

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]

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

2. **Non-regulated waters/wetlands (check if applicable):¹**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: One farmed wetland (approximately 0.25 acre) was identified at the edge of the review area, with most of it being outside of the review area. This wetland is surrounded by a bike path to the west and a farm field to the north, west and south, and it does not have any outlet. It is a small depression area surrounded by upland. The closest tributary is over 3,000 feet to the northwest.

SECTION III: CWA ANALYSIS

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):²

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: .
 Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

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

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

¹ Supporting documentation is presented in Section III.F.

² Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: Farmed wetland, 0.25 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 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):

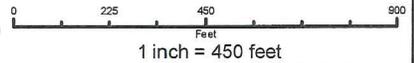
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Christopher B. Burke Engineering, Ltd.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report. While the datasheets have insufficient information to confirm the presence of hydric soils, the consultant provided a farmed wetland determination that supports the findings.
 - 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:Romeoville HA 146, 1965, .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Romeoville 7.5", 1993, Pick List, Pick List, Pick List, .
- USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed [10/13/2015].
- National wetlands inventory map(s). Cite name: Romeoville, .
- State/Local wetland inventory map(s): Pick List, Pick List, .
- FEMA/FIRM maps: FIRM Map Number 17197C0061E. Effective date: September 6, 1995.
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): FSA Aerial Slides 1991, 1995, 1998, 2001, 2002; Google Earth Pro aerial 4/2015.
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD:

- Area(s) are geographically isolated. The farmed wetland is a small depressional area with a bike path to the west and an upland farm field to the north, east and south.
- Area(s) do not have a hydrologic nexus. No outlets were identified and the closest tributary is located more than 3,000 feet away from this small wetland.
- Area(s) do not have an ecological nexus. The wetland is located within a farm field that is surrounded by development. The wetland is located more than 3,000 feet away from the closest tributary.
- Area(s) do not have evidence of a subsurface flow connection to a jurisdictional water. Given the distance to the nearest tributary and the fact that the farm field in which it is located is surrounded by developed land, this wetland has no subsurface connection to a jurisdictional water.
- Area(s) do not have evidence of surface overland sheet flow.
- Area(s) are not located within the flood plain.

NOTE: AERIAL PHOTOGRAPH TAKEN OCTOBER, 2011

*FARMED WETLAND AS DETERMINED BY FARMED WETLAND DETERMINATION IN APPENDIX A



Legend



FARMED WETLAND*



OFFSITE FARMED WETLAND*

STUDY AREA



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CLIENT:



TITLE:

**APPROXIMATE
WETLAND DELINEATION**

CBBEL # 14-0641

DATE: 12/3/14



CHRISTOPHER B. BURKE ENGINEERING, LTD.
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DWN.	KEK	SCALE:	1" = 450'
CHKD.	JMA	PLOT DATE:	7/8/2015
FILE NAME:	140641_AWD		

EXH 6