

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): 11/20/2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, Sullivan Lake Road - JD, 2015-541

C. PROJECT LOCATION AND BACKGROUND INFORMATION: A 38.7-acre property located at 27881 W. Sullivan Lake Road

State: Illinois County/parish/borough: **Lake** City: **Ingleside**
Center coordinates of site (lat/long in degree decimal format): Lat. **42.34107°N**, Long. **-88.17754° W**.
Universal Transverse Mercator: Zone 16

Name of nearest waterbody: **Sullivan Lake**

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

Name of watershed or Hydrologic Unit Code (HUC): **Upper Fox (07120006)**

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: **10/22/2015**

Field Determination. Date(s): **10/20/2015**

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]

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: **Four wetlands, totaling 10.93 acres, were found on the property. Wetland 1, 10.21 acres within the review area, consists of a wet meadow dominated by reed canary grass that transitions into emergent marsh and then open water. It extends outside of the review area to the west and south but does not connect to a downstream water on that side. The topographic lines show Wetland 1 being a closed depression all around. Wetland 1 is surrounded by upland. Wetland 1 extends all the way to Sullivan Lake Road on the north side of the property but no outlets, such as a ditch or a culvert, are present. There is a bog on the other side of the road but there are no hydrologic connections between the two wetlands. A review of historic aerial photos dated back to 1939 show that Sullivan Road was already constructed and at that time, Wetland 1 was then an agricultural field. There is no evidence that Wetland 1 and the bog across the street were once a single wetland which was later bisected by the road. Aerial photos also show that the open water portion of Wetland 1 was constructed between 1980 and 1993. Subsurface connection is unlikely between the bog and the Wetland given the presence of the road and the fact that the other wetland is a bog.**

Wetland 2, totaling 0.11 acres, is a linear wetland dominated by reed canary grass. The wetland ends at a tile. Not tile outlet was found so there is no clear evidence that there is a connection between Wetland 2 and Wetland 1. No evident overland connection between these two wetlands was found either.

Wetland 4, totaling 0.42 acres within the review area, is part of a larger wetland that extends off site to the south. The on-site portion is a wet meadow that transitions to open water. Based on a review of historic aerial photos, Wetland 4 was dug up as a pond between 1961 and 1974. It retains its close depression form and was found to have no outlet. A culvert located under the driveway was found between Wetland 4 and Wetland 2; therefore, there is a hydrologic connection between these two wetlands. However, as described above, flow from Wetland 2 ends up in a tile and the tile outlet was not found. The most logical place for the outlet would be Wetland 1 which has increased in size over the years. As discussed above, Wetland 1 does not have a connection to a downstream water; therefore, even if Wetlands 2 and 4 connect to Wetland 1, they are still isolated.

Wetland 3, totaling 0.19 acres, receives water from an off-site wetland through a culvert located under a driveway on the eastern side of the property. The wetland is a small swale that meets the definition of wetland. The swale stops in

¹ Supporting documentation is presented in Section III.F.

the middle of a field and does not flow or connect to any downstream water. The off-site wetland to which Wetland 3 has a connection is at higher elevation and ends in the middle of a field without any apparent outlet.

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.

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: **10.93 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):

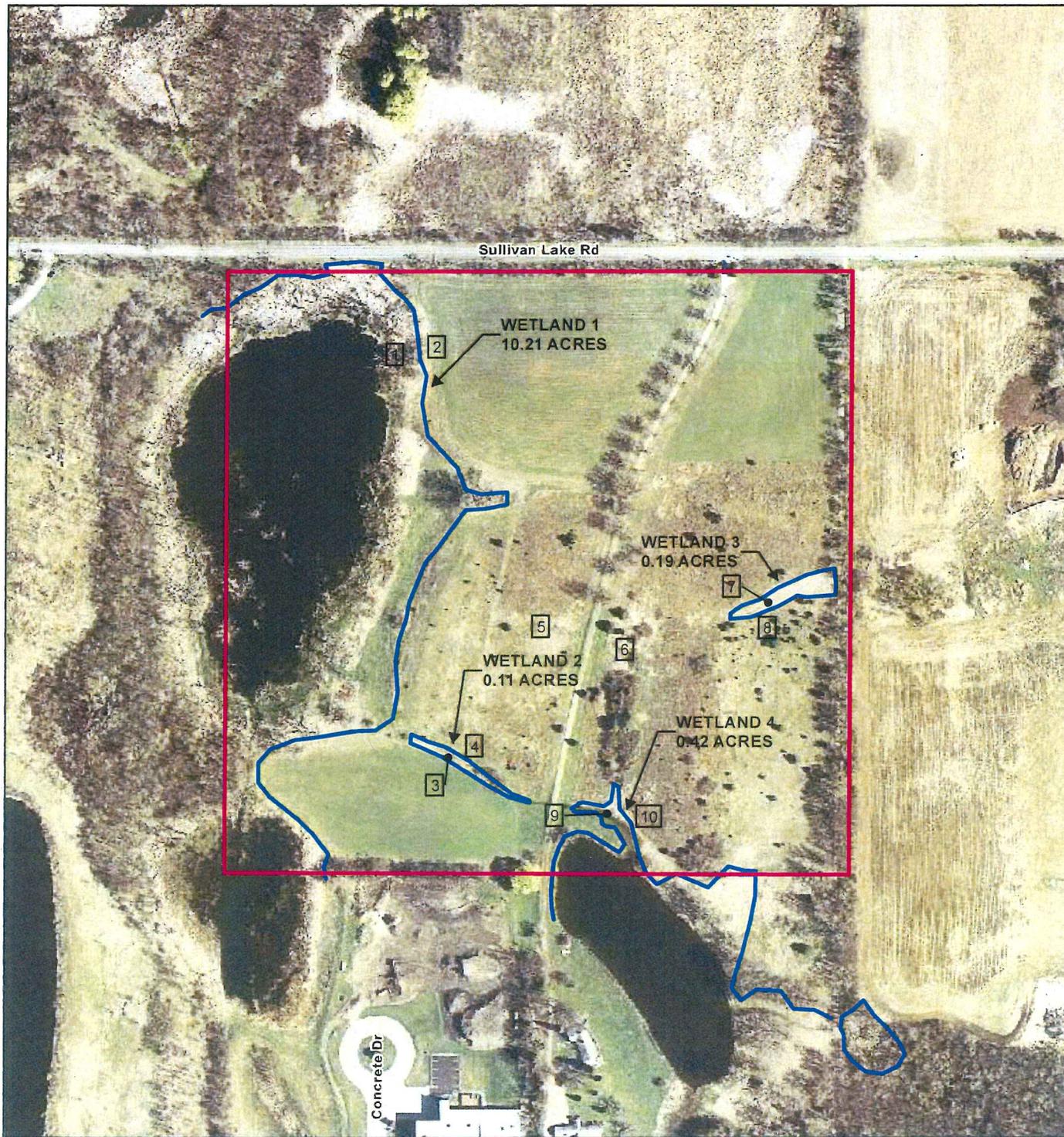
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Hey and Associates, Inc.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report. **Hey and Associates, Inc., delineation report titled "Sullivan Road Property, Volo, Lake County, Illinois" and dated September 8, 2015.**
 - 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: **Wauconda HA 297, 1966,** .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **Wauconda 7.5", 1993,**

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.

- USDA Natural Resources Conservation Service Soil Survey. Citation: **Soil Survey of Will NRCS Web Soil Survey.**
- National wetlands inventory map(s). Cite name: **Wauconda,**
- State/Local wetland inventory map(s): **Pick List, Pick List,**
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **Lake County Maps Online Aerials 1939-2014.**
or Other (Name & Date): **Site photos provided with the delineation report.**
- 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. **Based on the topography of the site, these areas are depressional areas isolated in the landscape with no outlet to a water of the U.S.**
- Area(s) do not have a hydrologic nexus. **See description in Section I, B, 2 on page 1. No outlets were found.**
- Area(s) do not have an ecological nexus. **There is no evidence of ecological nexus between these wetlands and a downstream water. The closest RPW to these wetlands is Sullivan Lake and is located over 2,000 feet away.**
- Area(s) do not have evidence of a subsurface flow connection to a jurisdictional water. **See description in Section I, B, 2 on page 1.**
- Area(s) do not have evidence of surface overland sheet flow. **There is no evidence of overland sheet flow between these wetlands and a jurisdictional water. The closest jurisdictional water is a bog located on the other side of Sullivan Lake Road and the road elevation is high enough to prevent overland sheet flow between these resources and the bog.**
- Area(s) are not located within the flood plain.



Scale:



Project Number: 15-0210

Orientation:



Latest Revision: 9/2/2015

Legend:

- X Data Point
- Surveyed Wetland Boundary
- Project Boundary

Project Name:

Sullivan Lake Road - Volo

Prepared for:

Willis Industries

Aerial Date:

2014

Exhibit Title:

Wetland Boundary

Exhibit:

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