

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): 11/5/2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, Kress Creek Holdings and Enon Hill Design and Development – JD, LRC-2015-552

C. PROJECT LOCATION AND BACKGROUND INFORMATION: An approximately 9-acre property located southeast of the intersection of Illinois Route 38 and Fabyan Parkway, along the south side of Route 38

State: **Illinois** County: **DuPage** City: **West Chicago**
Center coordinates of site (lat/long in degree decimal format): **Lat. 41.87312°N, Long. -88.23207° W.**
Universal Transverse Mercator: **Zone 16; Y: 4636422.51313631; X: 397759.5665945**

Name of nearest waterbody: **Kress 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: **10/14/2015**
 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: **Farmed Wetland 1, approximately 0.45 acre, is a small depressional area located within a farm field and entirely surrounded by upland with no outlet. The field is surrounded by a railroad to the south, a road to the north, a field to the west and a commercial facility to the east. The closest tributary to the wetland is over 2,600 feet away to the east and over 2,900 feet to the west.**

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: **0.45 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.

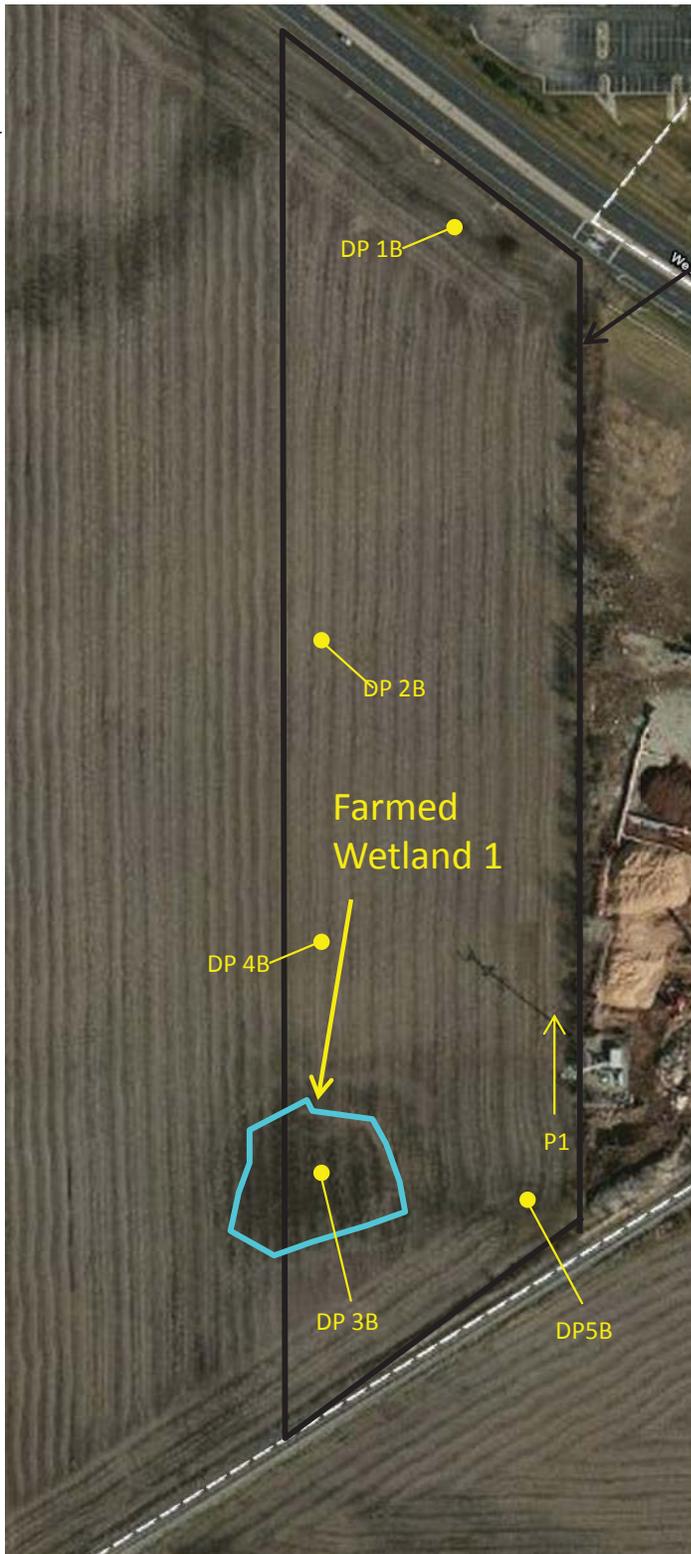
SECTION IV: DATA SOURCES.

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: **Bollinger Environmental, Inc.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report. **Report titled "Farmed Wetland Determination West Chicago Site (PIN# 04-08-401-009) West Chicago, DuPage County, Illinois" and dated July 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: **Naperville HA 154, 1965,**
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **Naperville 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 [10/14/2015].**
- National wetlands inventory map(s). Cite name: **Naperville,** .
- State/Local wetland inventory map(s): **DuPage County ADID, DuPage Regulatory Floodplain Map.**
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **FSA Slides 1995, 1998, 2000, 2001, 2002, 2003; Google Earth Pro Aerial 1998-2015.**
or Other (Name & Date): **Site photos provided in 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. **Farmed Wetland 1, approximately 0.45 acre, is a small depressional area located within a farm field and entirely surrounded by upland with no outlet. The closest tributary to the wetland is over 2,600 feet away to the east and over 2,900 feet to the west.**
- Area(s) do not have a hydrologic nexus. **See above.**
- Area(s) do not have an ecological nexus. **See above.**
- Area(s) do not have evidence of a subsurface flow connection to a jurisdictional water. **Farmed Wetland 1 is located within a farm field surrounded by a railroad to the south, a road to the north, a field to the west and a commercial facility to the east. The closest tributary to the wetland is over 2,600 feet away to the east and over 2,900 feet to the west. Therefore, there is no evidence of a subsurface flow connection to a jurisdictional water.**
- Area(s) do not have evidence of surface overland sheet flow. **See above.**
- Area(s) are not located within the flood plain.



PROJECT LOCATION

Legend

Data Point Location = **DP 1A**

Farmed Wetland Boundary ———

Photo Point = **P1** →

Source: DuPage County DEC



Title: Aerial Photograph
Project Number: 007-003-15
Site: West Chicago Site
Client: Enon Hill
Exhibit: 7