

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Indian Prairie School District PROJECT LOCATION/WATERWAY: 25 Acre Farm Parcel SW of 75<sup>th</sup> Street and Rt. 59 in Aurora, DuPage County, Illinois / Spring Brook Creek

FILE NUMBER: LRC-2007-51 Revised PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
 There are non-jurisdictional waters on the project site.
 There are waters of the United States on the project site.
 There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- There are no jurisdictional waters of the United States present on the project site.
 The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
 The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
 The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
 The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
 The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
 Other:
 Section 10 waterway.

Comment [g1]:

Comment [g2]:

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory: NAPERVILLE.
 U. S. Geological Survey Hydrologic Atlas: NAPERVILLE, IIA 154
 USDA Natural Resources Conservation Service Soil Survey for DuPage County.
 U. S. Geological Survey 7.5 Minute Topographic Maps: NAPERVILLE, 1993.
 U. S. Geological Survey 7.5 Minute Historic Quadrangles:
 U. S. Geological Survey 15 Minute Historic Quadrangles:
 Aerial Photographs (Name & Date):
 Advanced Identification Wetland Maps:
 Site Visit Conducted on:
 Other information: February 12, 2007 Wetland Delineation Report by EnCAP, Inc.

Rationale for Basis (applies to any boxes checked above): There are no wetlands or waters of the U.S. on the subject parcel.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
 the presence of litter and debris
 changes in the character of soil
 wetland boundary
 destruction of terrestrial vegetation
 shelving
 other

Basis for Declining Jurisdiction:

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
 Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
 Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
 Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- This office concurs with your wetland delineation report dated , prepared by .
 This office does not confirm your wetland boundary.

Recommended by: \_\_\_\_\_ Date: 05 APR 07

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Deer Point Homes PROJECT LOCATION/WATERWAY: Spring Grove

FILE NUMBER: LRC-2007-148 PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2).

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: FOX LAKE.
- U. S. Geological Survey Hydrologic Atlas: FOX LAKE, HA 151.
- USDA National Resources Conservation Service Soil Survey for McHenry County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: FOX LAKE, 1993.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerial Photographs (Name & Date): 2001, 2005
- Advanced Identification Wetland Maps: MCHENRY COUNTY..
- Site Visit Conducted on:
- Other information:

**Rationale for Basis (applies to any boxes checked above):** There are no wetlands on the subject property.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_ S \_\_\_\_\_ Date: 4/11/07

Approved by: \_\_\_\_\_ S \_\_\_\_\_ Date: 4/12/07

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Prairie Meadows Estates, LLC PROJECT LOCATION/WATERWAY: Delaney Road, 0.51 Miles West of Nelson Road in New Lenox, Will County, Illinois

FILE NUMBER: LRC-2007-1110 PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: MANHATTAN.
- U. S. Geological Survey Hydrologic Atlas: MANHATTAN, 211.
- USDA Natural Resources Conservation Service Soil Survey for Will County.
- U. S. Geological Survey 7.5-Minute Topographic Maps: MANHATTAN, 1990.
- U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_.
- Aerials (Name & Date): Frankfort, 1997
- Advanced Identification Wetland Maps: \_\_\_\_\_.
- Site Visit Conducted on:
- Other information:

Rationale for Basis (applies to any boxes checked above): There are no wetlands located on the subject property.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_ - J - \_\_\_\_\_ Date: 24 APR 07

Approved by: \_\_\_\_\_ - J - \_\_\_\_\_ Date: 24 APR 07

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Heuser Farms, LLC PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: LRC-2007-324 PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: ELGIN.
- U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
- USDA Natural Resources Conservation Service Soil Survey for Kane County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: ELGIN, 1992.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerial Photographs (Name & Date): 1990, 1991, 1995, 1996, 1997, 1998, 2001, 2002
- Advanced Identification Wetland Maps: KANE COUNTY
- Site Visit Conducted on:
- Other information: FEMA FIRM map, NRCS Swampbuster Map

**Rationale for Basis (applies to any boxes checked above):** No waters or wetlands are present at the subject site.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soils
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- This office does not confirm your wetland boundary.

Recommended by: \_\_\_\_\_ S \_\_\_\_\_ Date: 4-27-07

Approved by: \_\_\_\_\_ -S- \_\_\_\_\_ Date: 5-1-07

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Wyndham Deerpoint PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: LRC-2006-874 PROJECT REVIEW COMPLETED: [X] Office [X] Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- [ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[X] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- [ ] There are no jurisdictional waters of the United States present on the project site.
[ ] The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce...
[X] The presence of interstate waters...
[X] The presence of a tributary to an interstate water...
[X] The presence of wetlands adjacent...
[ ] The presence of an isolated water...
[ ] Other:
[ ] Section 10 waterway.

Information Reviewed

- [X] U. S. Fish and Wildlife Service National Wetland Inventory: HAMPSHIRE.
[ ] U. S. Geological Survey Hydrologic Atlas:
[X] USDA Natural Resources Conservation Service Soil Survey for Kane County.
[X] U. S. Geological Survey 7.5 Minute Topographic Maps: HAMPSHIRE, 1978.
[ ] U. S. Geological Survey 7.5 Minute Historic Quadrangles:
[ ] U. S. Geological Survey 15 Minute Historic Quadrangles:
[X] Aerial Photographs (Name & Date): 1990, 1991, 1995, 1996, 1997, 2001
[X] Advanced Identification Wetland Maps: KANE COUNTY
[X] Site Visit Conducted on: 8/10/2006
[X] Other information: FEMA FIRM Map, NRCS Swampbuster Map

Rationale for Basis (applies to any boxes checked above): Wetland 1 consists of Virgil Ditch #3, a tributary, and bordering wetlands. Farmed Wetland 1 drains to Wetland 1, and both drain through Virgil Ditch #3 to Union Ditch #3 and to the South Branch of the Kishwaukee River...

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

- Ordinary High Water Mark indicated by:
[X] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soils
[X] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other:

Basis for Declining Jurisdiction:

- [ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- [X] This office concurs with your wetland delineation report dated June 15, 2006, prepared by ENCAP, Inc., with exception of an area on the west bank of Virgil Ditch #3 near the northern property border.
[ ] This office does not confirm your wetland boundary.

Recommended by: \_\_\_\_\_ S \_\_\_\_\_ Date: 4-10-2007

Approved by: \_\_\_\_\_ - J - \_\_\_\_\_ Date: 7-12-2007

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Village of Kildeer PROJECT LOCATION/WATERWAY: East Cuba Road, east of Quentin Road in Kildeer, Lake County, Illinois / Buffalo Creek Watershed

FILE NUMBER: LRC-2007-318 PROJECT REVIEW COMPLETED: [X] Office [X] Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- [ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[X] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- [ ] There are no jurisdictional waters of the United States present on the project site.
[ ] The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
[ ] The presence of interstate waters (including interstate wetlands^1). (33 CFR 328.3 (a)(2))
[X] The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
[ ] The presence of wetlands adjacent^2 ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
[ ] The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
[ ] Other:
[ ] Section 10 waterway.

Information Reviewed

- [X] U. S. Fish and Wildlife Service National Wetland Inventory: LAKE ZURICH.
[X] U. S. Geological Survey Hydrologic Atlas: LAKE ZURICH, HA 208.
[X] USDA Natural Resources Conservation Service Soil Survey for Lake County.
[X] U. S. Geological Survey 7.5 Minute Topographic Maps: LAKE ZURICH, 1993.
[ ] U. S. Geological Survey 7.5 Minute Historic Quadrangles:
[ ] U. S. Geological Survey 15 Minute Historic Quadrangles:
[ ] Aerials (Name & Date):
[ ] Advanced Identification Wetland Maps:
[X] Site Visit Conducted on: 23 April 2007
[X] Other information: 24 April 2007 report by Gewalt Hamilton

Rationale for Basis (applies to any boxes checked above): Buffalo Creek is a tributary to the Des Plaines River; which is navigable below the Hoffman Dam in Riverside, Illinois

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- [X] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soil
[ ] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other

Basis for Declining Jurisdiction:

- [ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- [ ] This office concurs with your wetland delineation report dated , prepared by
[X] This office does not confirm your wetland boundary

Recommended by: [Signature] Date: 26 APR 07

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

^1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

^2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: AMCOL PROJECT LOCATION/WATERWAY: Southwest of Higgins Road And Forbs Avenue In Hoffman Estates, Cook County, Illinois (Section 32 & 33, T42N, R9E)

FILE NUMBER: LRC-2007-145 PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
 There are non-jurisdictional waters on the project site.
 There are waters of the United States on the project site.
 There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- There are no jurisdictional waters of the United States present on the project site.
 The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
 The presence of interstate waters (including interstate wetlands1). (33 CFR 328.3 (a)(2))
 The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
 The presence of wetlands adjacent2 ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
 The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
 Other:
 Section 10 waterway.

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory:
 U. S. Geological Survey Hydrologic Atlas:
 USDA Natural Resources Conservation Service Soil Survey for Cook County.
 U. S. Geological Survey 7.5 Minute Topographic Maps:
 U. S. Geological Survey 7.5 Minute Historic Quadrangles:
 U. S. Geological Survey 15 Minute Historic Quadrangles:
 Aerials (Name & Date):
 Advanced Identification Wetland Maps:
 Site Visit Conducted on: April 20, 2007
 Other information:

Rationale for Basis (applies to any boxes checked above):

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

- Ordinary High Water Mark indicated by:
 clear, natural line impressed on the bank
 the presence of litter and debris
 changes in the character of soil
 wetland boundary
 destruction of terrestrial vegetation
 shelving
 other:

Basis for Declining Jurisdiction:

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
 Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
 Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
 Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- This office concurs with your wetland delineation report dated , prepared by
 This office does not confirm your wetland boundary.

Recommended by: -5 Date: 4/24/07

Approved by: Date:

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology) Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Sirvinkis PROJECT LOCATION/WATERWAY: Harvard

FILE NUMBER: LRC-2007-175 PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2).

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: HARVARD.
- U. S. Geological Survey Hydrologic Atlas: HARVARD, HA 496.
- USDA National Resources Conservation Service Soil Survey for McHenry County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: HARVARD, 1970.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerial Photographs (Name & Date): 2005
- Advanced Identification Wetland Maps: MCHENRY COUNTY..
- Site Visit Conducted on:
- Other information:

**Rationale for Basis (applies to any boxes checked above):** Referencing the Site Evaluation Report dated February 15, 2007 as prepared by Natural Areas Ecosystem Management, a drainageway and associated wetlands are located in the southwestern portion of the subject property. The drainageway and wetlands are tributary to the Nippersink Creek, which flows to the Fox River, a navigable waterway under Department of the Army jurisdiction.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated February 15, 2007, prepared by Natural Areas Ecosystem Management.
- This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_ Date: 4/24/07

Approved by: \_\_\_\_\_ Date: 4/24/07

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: NE IL Land Management

PROJECT LOCATION/WATERWAY: Spring Grove

FILE NUMBER: LRC-2007-6

PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2).

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: RICHMOND.
- U. S. Geological Survey Hydrologic Atlas: RICHMOND, HA 303.
- USDA National Resources Conservation Service Soil Survey for McHenry County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: RICHMOND, 1992.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerial Photographs (Name & Date): 2005
- Advanced Identification Wetland Maps: MCHENRY COUNTY..
- Site Visit Conducted on:
- Other information:

**Rationale for Basis (applies to any boxes checked above):** Referencing the Wetland Delineation Report dated October 17, 2006 as prepared by Hey and Associates, Inc., Wetland 1 and Farmed Wetland 1 are tributary to the Nippersink Creek, which flows to the Fox River, a navigable waterway under Department of the Army jurisdiction

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated October 17, 2006, prepared by Hey and Associates, Inc.
- This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_ Date: 4/24/07

Approved by: \_\_\_\_\_ Date: 4/24/07

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Forest Preserve District of Kane County PROJECT LOCATION/WATERWAY: Grunwald Farms Preserve, south of Main St. and east of S. Lorang Rd. in Blackberry Township, Kane County, Illinois

FILE NUMBER: LRC-2007-214 PROJECT REVIEW COMPLETED: [X] Office [X] Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- [ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[X] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- [ ] There are no jurisdictional waters of the United States present on the project site.
[ ] The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
[ ] The presence of interstate waters (including interstate wetlands^1). (33 CFR 328.3 (a)(2))
[X] The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
[X] The presence of wetlands adjacent^2 ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
[ ] The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
[ ] Other:
[ ] Section 10 waterway.

Information Reviewed

- [X] U. S. Fish and Wildlife Service National Wetland Inventory: SUGAR GROVE.
[X] U. S. Geological Survey Hydrologic Atlas: SUGAR GROVE, HA 227.
[X] USDA Natural Resources Conservation Service Soil Survey for Kane County.
[X] U. S. Geological Survey 7.5 Minute Topographic Maps: SUGAR GROVE, 1993.
[ ] U. S. Geological Survey 7.5 Minute Historic Quadrangles:
[ ] U. S. Geological Survey 15 Minute Historic Quadrangles:
[ ] Aerial Photographs (Name & Date):
[ ] Advanced Identification Wetland Maps:
[X] Site Visit Conducted on: 04 April 07
[X] Other information: December 8, 2006 Wetland Delineation Report by EnCAP, Inc.

Rationale for Basis (applies to any boxes checked above): The subject wetland system is adjacent and contiguous with an unnamed tributary of Blackberry Creek; Blackberry Creek flows to the Fox River, a navigable in-fact waterway.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- [ ] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soils
[X] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other:

Basis for Declining Jurisdiction:

- [ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- [X] This office concurs with your wetland delineation report dated December 8, 2006 , prepared by EnCAP, Inc.
[ ] This office does not confirm your wetland boundary.

Recommended by: [Signature] Date: 20 APR 07

Approved by: [Signature] Date: 20 APR 07

^1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

^2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Nior Gas PROJECT LOCATION/WATERWAY: East side of York Road Across from Supreme Drive, Village of Bensenville, DuPage County, Illinois/Willow Creek

FILE NUMBER: LRC-2006-865 PROJECT REVIEW COMPLETED: [X] Office [ ] Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- [ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[X] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- [ ] There are no jurisdictional waters of the United States present on the project site.
[ ] The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce...
[X] The presence of a tributary to an interstate water or other water of the US.
[ ] The presence of wetlands adjacent to interstate or other waters of the US...
[ ] The presence of an isolated water (e.g., intrastate lakes, rivers, streams...)

Information Reviewed

- [X] U. S. Fish and Wildlife Service National Wetland Inventory: ELMHURST.
[X] U. S. Geological Survey Hydrologic Atlas: ELMHURST, HA 68.
[X] USDA Natural Resources Conservation Service Soil Survey for DuPage County.
[X] U. S. Geological Survey 7.5 Minute Topographic Maps: ELMHURST, 1993.
[ ] U. S. Geological Survey 7.5 Minute Historic Quadrangles:
[ ] U. S. Geological Survey 15 Minute Historic Quadrangles:
[ ] Aerial Photographs (Name & Date):
[X] Advanced Identification Wetland Maps: DUPAGE COUNTY..
[ ] Site Visit Conducted on:
[ ] Other information:

Rationale for Basis (applies to any boxes checked above): Willow Creek is a jurisdictional waters of the U.S. that flows into the Des Plaines River which is a section 10 waters of the U.S.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

- Ordinary High Water Mark indicated by:
[ ] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soil
[ ] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other

Basis for Declining Jurisdiction:

- [ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- [ ] This office concurs with your wetland delineation report dated , prepared by
[ ] This office does not confirm your wetland boundary.

Recommended by: [Signature] Date: 4-11-07

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Loyola University Chicago PROJECT LOCATION/WATERWAY: 6501 N. Kenmore Avenue East of North Sheridan, Between Loyola Avenue and Devon Avenue in the City of Chicago, Cook County, Illinois/Lake Michigan

FILE NUMBER: LRC-2006-1125 PROJECT REVIEW COMPLETED: [X] Office [ ] Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- [ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[X] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- [ ] There are no jurisdictional waters of the United States present on the project site.
[X] The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
[ ] The presence of interstate waters (including interstate wetlands^1). (33 CFR 328.3 (a)(2))
[ ] The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
[ ] The presence of wetlands adjacent^2 ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
[ ] The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
[ ] Other:
[X] Section 10 waterway.

Information Reviewed

- [X] U. S. Fish and Wildlife Service National Wetland Inventory: CHICAGO LOOP.
[ ] U. S. Geological Survey Hydrologic Atlas:
[ ] USDA Natural Resources Conservation Service Soil Survey for Cook County.
[X] U. S. Geological Survey 7.5 Minute Topographic Maps: CHICAGO LOOP, 1993.
[ ] U. S. Geological Survey 7.5 Minute Historic Quadrangles:
[ ] U. S. Geological Survey 15 Minute Historic Quadrangles:
[X] Aerials (Name & Date):2002
[ ] Advanced Identification Wetland Maps:
[ ] Site Visit Conducted on:
[ ] Other information:

Rationale for Basis (applies to any boxes checked above):

the project requires work within Lake Michigan which is a jurisdictional, section 10 waters of the United States.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- [ ] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soil
[ ] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other:

Basis for Declining Jurisdiction:

- [ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- [ ] This office concurs with your wetland delineation report dated , prepared by .
[ ] This office does not confirm your wetland boundary.

Recommended by: [Signature] Date: 4-9-07

Approved by: Date:

^1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

^2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Ryland Homes      PROJECT LOCATION/WATERWAY: Squaw Creek/Volo  
FILE NUMBER: LRC-2007-147      PROJECT REVIEW COMPLETED:  Office  Field

**Approved Jurisdictional Determination (JD)** (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: \_\_\_\_\_.
- U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
- USDA Natural Resources Conservation Service Soil Survey for Lake County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: WAUCONDA, 1993.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerials (Name & Date): Lake County 1939, 2000, 2004, & 2005; PhotoMapper 2001, 2002 & 2005
- Advanced Identification Wetland Maps: LAKE COUNTY.
- Site Visit Conducted on:
- Other information:

**Rationale for Basis (applies to any boxes checked above):** The wetlands in the project have a surface connection to Fish Lake Drain and from there connect to the Fox River via Squaw Creek. The Fox River is a navigable water of the United States and therefore the project wetlands are als waters of the United States under the jurisdiction of the Department of the Army.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated January 29, 2007, prepared by Christopher b Burke Engineering, Ltd..
- This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_ - 5 - \_\_\_\_\_ Date: 4/3/07

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Commonwealth Edison PROJECT LOCATION/WATERWAY: Ferson/Otter Creek Tribs

FILE NUMBER: LRC-2007-57 PROJECT REVIEW COMPLETED: [X] Office [ ] Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- [ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[X] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- [ ] There are no jurisdictional waters of the United States present on the project site.
[ ] The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
[ ] The presence of interstate waters (including interstate wetlands^1). (33 CFR 328.3 (a)(2))
[X] The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
[X] The presence of wetlands adjacent^2 ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
[ ] The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
[ ] Other:
[ ] Section 10 waterway.

Information Reviewed

- [ ] U. S. Fish and Wildlife Service National Wetland Inventory: \_\_\_\_\_
[ ] U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_
[X] USDA Natural Resources Conservation Service Soil Survey for Kane County.
[X] U. S. Geological Survey 7.5 Minute Topographic Maps: PINGREE GROVE, 1992.
[ ] U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_
[ ] U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_
[X] Aerial Photographs (Name & Date):PhotoMapper 2001, 2002 & 2005
[X] Advanced Identification Wetland Maps: KANE COUNTY
[ ] Site Visit Conducted on:
[ ] Other information:

Rationale for Basis (applies to any boxes checked above): Wetlands and waters in the project boundaries have a surface connection to the Fox River via Ferson & Otter Creeks. The Fox River is a navigable water of the United States, therefore the wetlands and waters in the project area are also waters of the United States under the jurisdiction of the Department of the Army.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- [ ] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soils
[ ] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other:

Basis for Declining Jurisdiction:

- [ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- [ ] This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_
[ ] This office does not confirm your wetland boundary.

Recommended by: [Signature] Date: 4/5/07

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

^1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

^2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: ISTHA PROJECT LOCATION/WATERWAY: I-90 culvert carrying Eakin Creek east of I-47 in Kane County, IL (SE I6 T42N R7E)

FILE NUMBER: LRC-2007-253 PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: PINEGREE GROVE.
- U. S. Geological Survey Hydrologic Atlas: PINGREE GROVE, HA 232.
- USDA Natural Resources Conservation Service Soil Survey for Kane County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: PINGREE GROVE, 1992.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerial Photographs (Name & Date): Emergency culvert repair I-90 at Eakin Creek, Kane County rec'd 5 APR 2007
- Advanced Identification Wetland Maps: \_\_\_\_\_.
- Site Visit Conducted on:
- Other information:

**Rationale for Basis (applies to any boxes checked above):** Eakin Creek is tributary to the South Branch of the Kishwaukee River which is tributary to the Rock River, a navigable waters of the U.S.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soils
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- This office does not confirm your wetland boundary.

Recommended by: \_\_\_\_\_ Date: 5 APR 2007

Approved by: \_\_\_\_\_ Date: 5 APR 2007

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology) Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Robert Pearson PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: LRC-2006-1172 PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: PINEGREE GROVE.
- U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
- USDA Natural Resources Conservation Service Soil Survey for Kane County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: PINGREE GROVE, 1992.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerial Photographs (Name & Date):2002
- Advanced Identification Wetland Maps: KANE COUNTY
- Site Visit Conducted on: 3/29/2007
- Other information: FEMA FIRM Map

**Rationale for Basis (applies to any boxes checked above):** Wetland 1 consists of Pingree Ditch, a pond, and connecting wetlands. Wetland 2 neighbors Wetland 1, and both are jurisdictional. Pingree Ditch drains to Pingree Creek, Tyler Creek and the Fox River, a navigable waterway, and is therefore subject to Department of the Army regulations.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soils
- wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated September 22, 2006 , prepared by ENCAP, Inc.
- This office does not confirm your wetland boundary.

Recommended by: \_\_\_\_\_ S \_\_\_\_\_ Date: 4-4-2007

Approved by: \_\_\_\_\_ J \_\_\_\_\_ Date: 4-4-2007

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT  
U.S. Army Corps of Engineers, Chicago District

APPLICANT: James Best

PROJECT LOCATION/WATERWAY: Diamond Lake Drain/Mundelein

FILE NUMBER: LRC-2005-13694

PROJECT REVIEW COMPLETED:  Office  Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

**Information Reviewed**

- U. S. Fish and Wildlife Service National Wetland Inventory: \_\_\_\_\_.
- U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
- USDA Natural Resources Conservation Service Soil Survey for Lake County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: WHEELING, 1993.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- Aerials (Name & Date): Lake County 1939, 2000, 2004, & 2005; PhotoMapper 2001, 2002 & 2005
- Advanced Identification Wetland Maps: LAKE COUNTY.
- Site Visit Conducted on:
- Other information:

**Rationale for Basis (applies to any boxes checked above):** Diamond Lake Drain is tributary to the Des Plaines River via Indian Creek. The Des Plaines River is a navigable water of the United States below Hoffman Dam so Diamond Lake Drain is also a water of the United States under the jurisdiction of the Department of the Army.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- destruction of terrestrial vegetation
- the presence of litter and debris
- shelving
- changes in the character of soil
- other
- wetland boundary

**Basis for Declining Jurisdiction:**

- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_ - 5 - \_\_\_\_\_ Date: 4/4/07

Approved by: \_\_\_\_\_ - 5 - \_\_\_\_\_ Date: 4/4/07

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Fox Metro Water Reclamation District PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: LRC-2007-311 PROJECT REVIEW COMPLETED: [X] Office [ ] Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- [ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[X] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

- [ ] There are no jurisdictional waters of the United States present on the project site.
[ ] The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
[ ] The presence of interstate waters (including interstate wetlands^1). (33 CFR 328.3 (a)(2))
[X] The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
[ ] The presence of wetlands adjacent^2 ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
[ ] The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
[ ] Other:
[ ] Section 10 waterway.

Information Reviewed

- [ ] U. S. Fish and Wildlife Service National Wetland Inventory: \_\_\_\_\_
[ ] U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_
[X] USDA Natural Resources Conservation Service Soil Survey for Kane County.
[X] U. S. Geological Survey 7.5 Minute Topographic Maps: AURORA NORTH, 1993.
[ ] U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_
[ ] U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_
[X] Aerial Photographs (Name & Date):2004
[X] Advanced Identification Wetland Maps: KANE COUNTY
[ ] Site Visit Conducted on:
[X] Other information:

Rationale for Basis (applies to any boxes checked above): Indian Creek is on the subject property, and flows to the Fox River, a navigable waterway, and is therefore subject to Department of the Army regulations.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- [X] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soils
[ ] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other:

Basis for Declining Jurisdiction:

- [ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

- [ ] This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
[X] This office does not confirm your wetland boundary.

Recommended by: \_\_\_\_\_ S \_\_\_\_\_ Date: 4-27-07

Approved by: \_\_\_\_\_ -S- \_\_\_\_\_ Date: 5-1-07

^1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

^2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.