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

SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 29, 2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, Elk Grove Business Park, LRC-2012-698

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Elk Grove Business Park Industrial Complex, 3520 Acre Site
   State: Illinois  County/parish/borough: Cook  City: Elk Grove Village
   Center coordinates of site (lat/long in degree decimal format): Lat. 42.01135°N, Long. -87.95977° W.
   Universal Transverse Mercator: NAD 83
   Name of nearest waterbody: Higgins Creek
   Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Des Plaines River
   Name of watershed or Hydrologic Unit Code (HUC): Des Plaines (07120004)
   ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
   ☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
   ☒ Office (Desk) Determination. Date: 18 April 2013
   ☒ Field Determination. Date(s): 08 Jan 2013 and 04 Apr 2013

SECTION II: SUMMARY OF FINDINGS
A. RHA SECTION 10 DETERMINATION OF JURISDICTION.
   There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]
   ☐ Waters subject to the ebb and flow of the tide.
   ☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.
   There are “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]
   1. Waters of the U.S.
      a. Indicate presence of waters of U.S. in review area (check all that apply): 1
         ☒ TNWs, including territorial seas
         ☒ Wetlands adjacent to TNWs
         ☒ Relatively permanent waters (RPWs) that flow directly or indirectly into TNWs
         ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      b. Identify (estimate) size of waters of the U.S. in the review area:
         Non-wetland waters: 35745 linear feet: width (ft) and/or acres.
         Wetlands: acres.
      c. Limits (boundaries) of jurisdiction based on: Established by OHWM.
         Elevation of established OHWM (if known): .

SECTION III: CWA ANALYSIS
A. TNWs AND WETLANDS ADJACENT TO TNWs
   The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1. and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.
   1. TNW
      Identify TNW: Pick List
   2. Wetland adjacent to TNW
      Summarize rationale supporting conclusion that wetland is “adjacent”: .

1 Boxes checked below shall be supported by completing the appropriate sections in Section III below.
2 For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least “seasonally” (e.g., typically 3 months).
D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - [ ] TNWs: linear feet width (ft), Or; acres.
   - [ ] Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☑ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Several of the tributaries are named creeks; and the remaining waters are direct tributaries of these creeks that have stong flow and evidence of year-round flow except during long periods of freezing temperatures.
   - ☑ Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:
     - Provide estimates for jurisdictional waters in the review area (check all that apply):
       - Tributary waters: linear feet width (ft).
       - Other non-wetland waters: acres.

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

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

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply) - checked items shall be included in case file and, where checked and requested, appropriately reference sources below:
   - ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: WBK Jurisdictional Determination Submittal dated September 19, 2012.
   - ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
   - ☑ Office concurs with data sheets/delineation report.
   - ☑ Office does not concur with data sheets/delineation report.
   - ☑ Data sheets prepared by the Corps:
   - ☑ Corps navigable waters’ study:
   - ☑ USGS NHd data.
   - ☑ USGS 8 and 12 digit HUC maps.
   - ☑ U.S. Geological Survey map(s). Cite scale & quad name: Pick List, Pick List, Pick List, Pick List, .
   - ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Pick List.
   - ☑ National wetlands inventory map(s). Cite name: Pick List, .
   - ☑ State/Local wetland inventory map(s): Pick List, Pick List, .
   - ☑ FEMA/FIRM maps:
   - ☑ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
   - ☑ Previous determination(s). File no. and date of response letter:
   - ☑ Applicable/supporting scientific literature:
   - ☑ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: Site was walked on two full days due to size of project site; most ditches were present (and modified) prior to construction of the business park, while others were constructed later as main-line ditches or for the tollway and to accommodate water entering the park from off-site, and hence the near constant flow of those ditches as well.