

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 21-Jul-2011

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Chicago District, LRC-2011-00306-JD1

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

**State :** IL - Illinois  
**County/parish/borough:** Cook  
**City:** Palos Hills  
**Lat:** 41.69325  
**Long:** -87.83542  
**Universal Transverse Mercator**  
Folder UTM List  
*UTM list determined by folder location*  
 • NAD83 / UTM zone 16N  
Waters UTM List  
*UTM list determined by waters location*  
 • NAD83 / UTM zone 16N

**Name of nearest waterbody:** Stony Creek  
**Name of nearest Traditional Navigable Water (TNW):** Cal-Sag Channel  
**Name of watershed or Hydrologic Unit Code (HUC):** 071200040702

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 the action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office Determination Date: 20-Jul-2011  
 Field Determination Date(s): 27-Jun-2011

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION**

There "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

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.

**Explain:**

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area:<sup>1</sup>**

Water Name	Water Type(s) Present
LRC-2011-306 Wetland 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
LRC-2011-306 Wetland 2	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
LRC-2011-306 Wetland 7	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:**

**Area:** (m<sup>2</sup>)

Linear: (m)

**c. Limits (boundaries) of jurisdiction:**

based on:

**OHWM Elevation:** (if known)

**2. Non-regulated waters/wetlands:<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

**1. TNW**

Not Applicable.

**2. Wetland Adjacent to TNW**

Not Applicable.

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

**Watershed size:**

**Drainage area:**

**Average annual rainfall:** inches

**Average annual snowfall:** inches

**(ii) Physical Characteristics**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through [ ] tributaries before entering TNW.

:Number of tributaries

**Project waters are** river miles from TNW.

**Project waters are** river miles from RPW.

**Project Waters are** aerial (straight) miles from TNW.

**Project waters are** aerial(straight) miles from RPW.

Project waters cross or serve as state boundaries.

**Explain:**

**Identify flow route to TNW:<sup>5</sup>**

**Tributary Stream Order, if known:**

Not Applicable.

**(b) General Tributary Characteristics:**

**Tributary is:**

Not Applicable.

**Tributary properties with respect to top of bank (estimate):**

Not Applicable.

**Primary tributary substrate composition:**

Not Applicable.

**Tributary (conditions, stability, presence, geometry, gradient):**

Not Applicable.

**(c) Flow:**  
Not Applicable.

**Surface Flow is:**  
Not Applicable.

**Subsurface Flow:**  
Not Applicable.

**Tributary has:**  
Not Applicable.

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:**

**High Tide Line indicated by:**  
Not Applicable.

**Mean High Water Mark indicated by:**  
Not Applicable.

**(iii) Chemical Characteristics:**  
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).  
Not Applicable.

**(iv) Biological Characteristics. Channel supports:**  
Not Applicable.

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

**Properties:**

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain
LRC-2011-306 Wetland 1	9.8	-	-	-
LRC-2011-306 Wetland 2	.23	-	-	-
LRC-2011-306 Wetland 7	1.65	-	-	-

**(b) General Flow Relationship with Non-TNW:**

**Flow is:**  
Not Applicable.

**Surface flow is:**

Wetland Name	Flow	Characteristics
LRC-2011-306 Wetland 1	-	-
LRC-2011-306 Wetland 2	-	-
LRC-2011-306 Wetland 7	-	-

**Subsurface flow:**

Wetland Name	Subsurface Flow	Explain Findings	Dye (or other) Test
LRC-2011-306 Wetland 1	-	-	-
LRC-2011-306 Wetland 2	-	-	-
LRC-2011-306 Wetland 7	-	-	-

**(c) Wetland Adjacency Determination with Non-TNW:**

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
LRC-2011-306 Wetland 1	No	-	-	-

LRC-2011-306 Wetland 2	No	-	-	-
LRC-2011-306 Wetland 7	No	-	-	-

**(d) Proximity (Relationship) to TNW:**

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
LRC-2011-306 Wetland 1	-	-	-	-
LRC-2011-306 Wetland 2	-	-	-	-
LRC-2011-306 Wetland 7	-	-	-	-

**(ii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Wetland Name	Explain	Identify specific pollutants, if known
LRC-2011-306 Wetland 1	-	-
LRC-2011-306 Wetland 2	-	-
LRC-2011-306 Wetland 7	-	-

**(iii) Biological Characteristics. Wetland supports:**

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
LRC-2011-306 Wetland 1	-	-	-	-
LRC-2011-306 Wetland 2	-	-	-	-
LRC-2011-306 Wetland 7	-	-	-	-

**3. Characteristics of all wetlands adjacent to the tributary (if any):**

All wetlands being considered in the cumulative analysis:  
Not Applicable.

Summarize overall biological, chemical and physical functions being performed:  
Not Applicable.

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Significant Nexus: Not Applicable

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:**

**1. TNWs and Adjacent Wetlands:**  
Not Applicable.

**2. RPWs that flow directly or indirectly into TNWs:**  
Not Applicable.

Provide estimates for jurisdictional waters in the review area:  
Not Applicable.

**3. Non-RPWs that flow directly or indirectly into TNWs.<sup>8</sup>**

Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**

Not Applicable.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m <sup>2</sup> )
LRC-2011-306 Wetland 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	39659.1888
LRC-2011-306 Wetland 2	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	930.77688
LRC-2011-306 Wetland 7	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	6677.3124
<b>Total:</b>		<b>0</b>	<b>47267.27808</b>

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:**

Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**

Not Applicable.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:**

Not Applicable.

**Provide estimates for jurisdictional wetlands in the review area:**

Not Applicable.

**7. Impoundments of jurisdictional waters:<sup>9</sup>**

Not Applicable.

**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:<sup>10</sup>**

Not Applicable.

**Identify water body and summarize rationale supporting determination:**

Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**

Not Applicable.

**F. NON-JURISDICTIONAL WATERS. INCLUDING WETLANDS**

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):

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

Not Applicable.

**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.**  
 Not Applicable.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD**

(listed items shall be included in case file and, where checked and requested, appropriately reference below):

Data Reviewed	Source Label	Source Description
--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	Surveyed wetland boundaries	Submitted by consultant
--U.S. Geological Survey Hydrologic Atlas	USGS Hydrology map	Submitted by consultant
--National wetlands inventory map(s).	NWI map	Printed in our office
--Other information	site visit	A site visit was conducted on June 27, 2011 and each of the wetland and ditch boundaries confirmed with agent

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

Not Applicable.

- <sup>1</sup>-Boxes checked below shall be supported by completing the appropriate sections in Section III below.
- <sup>2</sup>-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).
- <sup>3</sup>-Supporting documentation is presented in Section III.F.
- <sup>4</sup>-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
- <sup>5</sup>-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
- <sup>6</sup>-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
- <sup>7</sup>-Ibid.
- <sup>8</sup>-See Footnote #3.
- <sup>9</sup>-To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
- <sup>10</sup>-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.

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

JD Status: DRAFT

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 25-Jul-2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2011-00390-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State :

County/parish/borough:

City:

Lat:

Long:

Universal Transverse Mercator

Folder UTM List

UTM list determined by folder location

Enter LRC-2011-00390 location information to display the UTM list.

Waters UTM List

UTM list determined by waters location

Name of nearest waterbody:

Name of nearest Traditional Navigable Water (TNW):

Name of watershed or Hydrologic Unit Code (HUC):

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 the action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office Determination Date: 27-Jul-2011

Field Determination Date(s): 20-Jul-2011

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION

There "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

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.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area:<sup>1</sup>

Water Name	Water Type(s) Present
Wetland 1A	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
Wetland 1B	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

b. Identify (estimate) size of waters of the U.S. in the review area:

Area: (m<sup>2</sup>)

Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on:

OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:<sup>3</sup>

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1. TNW  
Not Applicable.

2. Wetland Adjacent to TNW  
Not Applicable.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 934048 acres

**Drainage area:** 836673 acres  
**Average annual rainfall:** 37.97 inches  
**Average annual snowfall:** 33.5 inches

**(ii) Physical Characteristics**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.  
 Tributary flows through  tributaries before entering TNW.  
 Number of tributaries

**Project waters are** 30 (or more) river miles from TNW.  
**Project waters are** 1 (or less) river miles from RPW.  
**Project Waters are** 30 (or more) aerial (straight) miles from TNW.  
**Project waters are** 1 (or less) aerial(straight) miles from RPW.

Project waters cross or serve as state boundaries.

**Explain:**

**Identify flow route to TNW:**<sup>5</sup>  
 Kress Creek to W. Br. DuPage River to DuPage River to Des Plaines River (TNW).

**Tributary Stream Order, if known:**

Not Applicable.

**(b) General Tributary Characteristics:**

**Tributary is:**  
 Not Applicable.

**Tributary properties with respect to top of bank (estimate):**  
 Not Applicable.

**Primary tributary substrate composition:**  
 Not Applicable.

**Tributary (conditions, stability, presence, geometry, gradient):**  
 Not Applicable.

**(c) Flow:**  
 Not Applicable.

**Surface Flow is:**  
 Not Applicable.

**Subsurface Flow:**  
 Not Applicable.

**Tributary has:**  
 Not Applicable.

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:**

**High Tide Line indicated by:**  
 Not Applicable.

**Mean High Water Mark indicated by:**  
 Not Applicable.

**(iii) Chemical Characteristics:**  
 Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).  
 Not Applicable.

**(iv) Biological Characteristics. Channel supports:**  
 Not Applicable.

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

**Properties:**

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain
Wetland 1A	6.32	Submergent and emergent.	Low	-
Wetland 1B	60.52	Emergent	Low	-

**(b) General Flow Relationship with Non-TNW:**

**Flow is:**

Wetland Name	Flow	Explain
Wetland 1A	Intermittent flow.	-
Wetland 1B	Intermittent flow.	-

**Surface flow is:**

Wetland Name	Flow	Characteristics
Wetland 1A	Discrete and confined	Wetland outflows via tributary to Kress Creek.
Wetland 1B	Discrete and confined	Wetland abuts tributary to Kress Creek

**Subsurface flow:**

Wetland Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Wetland 1A	Unknown	-	-
Wetland 1B	Unknown	-	-

**(c) Wetland Adjacency Determination with Non-TNW:**

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
Wetland 1A	Yes	-	-	-
Wetland 1B	Yes	-	-	-

**(d) Proximity (Relationship) to TNW:**

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
Wetland 1A	30 (or more)	30 (or more)	Wetland to navigable waters	50 - 100-year
Wetland 1B	30 (or more)	30 (or more)	Wetland to navigable waters	50 - 100-year

**(ii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Wetland Name	Explain	Identify specific pollutants, if known
Wetland 1A	-	Road salt, grease and oils.
Wetland 1B	-	Agricultural pesticides and fertilizers.

**(iii) Biological Characteristics. Wetland supports:**

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
Wetland 1A	-	-	-	-
Wetland 1B	-	-	-	-

**Habitat for:**

Wetland Name	Habitat	Federally Listed Species	Explain Findings	Spawn Area	Explain Findings	Other Environmentally Sensitive Species	Explain Findings	Aquatic/Wildlife Diversity	Explain Findings
Wetland 1A	X	-	-	-	-	-	-	X	Open water aspect and emergent edge supports a variety of aquatic and terrestrial insects.
Wetland 1B	X	-	-	-	-	X	Large protected marsh area adjacent to woods provides habitat for a multitude of species.	-	-

**3. Characteristics of all wetlands adjacent to the tributary (if any):**

All wetlands being considered in the cumulative analysis:  
Not Applicable.

Summarize overall biological, chemical and physical functions being performed:  
Not Applicable.

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

**Findings for: Wetland 1A, Wetland 1B**

Wetlands 1A and 1B combined are 66.84 acres, and drain directly into Kress Creek, an RPW. Wetlands 1A and 1B provide for multiple functions and values to the overall waterway, including habitat, stormwater storage, sediment and pollutant reduction, and the wetland is adjacent and contiguous to the tributary to Kress Creek, which has seasonal relative permanent flow, and exhibits a surface water connection to a traditional navigable waterway. This surface water connection demonstrates the ability of the tributary to carry pollutants, flood waters, nutrients and organic carbon to the TNW. The adjacent wetlands have the ability to reduce the amount of pollutants and floodwaters reaching the TNW. The headwater wetland is receiving a percentage of its water from groundwater and from runoff from the surrounding uplands before it flows into Des Plaines River. Wetlands such as these provide stormwater storage, habitat, sediment/toxicant retention and nutrient removal/transformation. The decrease of sedimentation, pollutants, flooding, nutrients and habitat provided by the subject wetland provides a positive effect to the downstream relatively permanent waters and traditional navigable waters. The wetland alone, and in combination with other area wetlands, significantly affect the chemical, physical and biological integrity of the Des Plaines River. Stormwater storage provided by the subject wetlands affect the frequency and extent of downstream flooding, decreasing flood peaks in the Des Plaines River, and in turn impacting navigation and downstream bank erosion and sedimentation. The sediment and pollutant/toxicant retention provided by the subject wetland has a direct positive effect on the Des Plaines River in regards to navigation and aquatic food webs that are not adapted to thrive in sediment-choked environments. These factors contribute to the finding of a significant nexus between the on-site wetland and the TNW.

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:**

**1. TNWs and Adjacent Wetlands:**

Not Applicable.

**2. RPWs that flow directly or indirectly into TNWs:**

Not Applicable.

Provide estimates for jurisdictional waters in the review area:  
Not Applicable.

3. Non-RPWs that flow directly or indirectly into TNWs:<sup>8</sup>  
Not Applicable.

Provide estimates for jurisdictional waters in the review area:  
Not Applicable.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.  
Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:  
Not Applicable.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:  
Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:  
Not Applicable.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:  
Not Applicable.

Provide estimates for jurisdictional wetlands in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m <sup>2</sup> )
Wetland 1A	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs	-	25576.12992
Wetland 1B	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs	-	244915.72512
<b>Total:</b>		<b>0</b>	<b>270491.85504</b>

7. Impoundments of jurisdictional waters:<sup>9</sup>  
Not Applicable.

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:<sup>10</sup>  
Not Applicable.

Identify water body and summarize rationale supporting determination:  
Not Applicable.

Provide estimates for jurisdictional waters in the review area:  
Not Applicable.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS

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):

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:  
Not Applicable.

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.  
Not Applicable.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD

(listed items shall be included in case file and, where checked and requested, appropriately reference below):

Data Reviewed	Source Label	Source Description
--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	-	-
--Data sheets prepared/submitted by or on behalf of the applicant/consultant	-	-
---Office concurs with data sheets/delineation report	-	-
--Corps navigable waters study	-	-
--U.S. Geological Survey Hydrologic Atlas	-	-
---USGS 8 and 12 digit HUC maps	-	-
--U.S. Geological Survey map(s)	-	-
--USDA Natural Resources Conservation Service Soil Survey.	-	-
--National wetlands inventory map(s).	-	-
--State/Local wetland inventory map(s):	-	-
--FEMA/FIRM maps	-	-
--Photographs	-	-
---Aerial	-	-
---Other	-	-

--Applicable/supporting case law	-	-
--Other information	-	-

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

**Description**

Site visit to walk connections on July 20, 2011.

<sup>1</sup> -Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> -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)

<sup>3</sup> -Supporting documentation is presented in Section III.F.

<sup>4</sup> -Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> -Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

<sup>6</sup> -A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices) Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break

<sup>7</sup> -Ibid

<sup>8</sup> -See Footnote #3.

<sup>9</sup> -To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> -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.

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

JD Status: DRAFT

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 05-Apr-2011

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Chicago District, LRC-2002-11728-JD1

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State : IL - Illinois  
 County/parish/borough: Cook  
 City: Chicago  
 Lat: 41.6539  
 Long: -87.53498  
 Universal Transverse Mercator Folder UTM List  
*UTM list determined by folder location*  
 • NAD83 / UTM zone 16N  
Waters UTM List  
*UTM list determined by waters location*  
 • NAD83 / UTM zone 16N

**Name of nearest waterbody:**

**Name of nearest Traditional Navigable Water (TNW):**

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

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 the action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office Determination Date: 04-Aug-2011

Field Determination Date(s): 03-Aug-2011

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION**

There are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

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.

**Explain:** Interstate water connected to the Calumet River with barge traffic.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area:<sup>1</sup>**

Water Name	Water Type(s) Present
Wolf Lake	TNWs, including territorial seas

**b. Identify (estimate) size of waters of the U.S. in the review area:**

**Area:** (m<sup>2</sup>)

Linear: (m)

**c. Limits (boundaries) of jurisdiction:**

**based on:**

**OHWM Elevation:** (if known)

**2. Non-regulated waters/wetlands:<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

**1. TNW**

**TNW Name**

**Summarize rationale supporting determination:**

Wolf Lake

Wolf Lake is an interstate water in both Illinois and Indiana. It also has boat traffic utilized throughout.

**2. Wetland Adjacent to TNW**

Not Applicable.

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

**Watershed size:**

**Drainage area:**

**Average annual rainfall:** inches

**Average annual snowfall:** inches

**(ii) Physical Characteristics**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through [ ] tributaries before entering TNW.

:Number of tributaries

**Project waters are** river miles from TNW.

**Project waters are** river miles from RPW.

**Project Waters are** aerial (straight) miles from TNW.

**Project waters are** aerial(straight) miles from RPW.

Project waters cross or serve as state boundaries.

**Explain:**

**Identify flow route to TNW:<sup>5</sup>**

**Tributary Stream Order, if known:**

Not Applicable.

**(b) General Tributary Characteristics:**

**Tributary is:**

Not Applicable.

**Tributary properties with respect to top of bank (estimate):**

Not Applicable.

**Primary tributary substrate composition:**

Not Applicable.

**Tributary (conditions, stability, presence, geometry, gradient):**  
Not Applicable.

**(c) Flow:**  
Not Applicable.

**Surface Flow is:**  
Not Applicable.

**Subsurface Flow:**  
Not Applicable.

**Tributary has:**  
Not Applicable.

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:**

**High Tide Line indicated by:**  
Not Applicable.

**Mean High Water Mark indicated by:**  
Not Applicable.

**(iii) Chemical Characteristics:**  
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).**  
Not Applicable.

**(iv) Biological Characteristics. Channel supports:**  
Not Applicable.

## **2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**  
**(a) General Wetland Characteristics:**  
**Properties:**  
Not Applicable.

**(b) General Flow Relationship with Non-TNW:**

**Flow is:**  
Not Applicable.

**Surface flow is:**  
Not Applicable.

**Subsurface flow:**  
Not Applicable.

**(c) Wetland Adjacency Determination with Non-TNW:**  
Not Applicable.

**(d) Proximity (Relationship) to TNW:**  
Not Applicable.

**(ii) Chemical Characteristics:**  
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).**  
Not Applicable.

**(iii) Biological Characteristics. Wetland supports:**  
Not Applicable.

## **3. Characteristics of all wetlands adjacent to the tributary (if any):**

**All wetlands being considered in the cumulative analysis:**  
Not Applicable.

**Summarize overall biological, chemical and physical functions being performed:**  
Not Applicable.

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

**Significant Nexus: Not Applicable**

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:**

**1. TNWs and Adjacent Wetlands:**

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m <sup>2</sup> )
Wolf Lake	TNWs, including territorial seas	30.48	-
<b>Total:</b>		<b>30.48</b>	<b>0</b>

**2. RPWs that flow directly or indirectly into TNWs:**  
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**  
Not Applicable.

**3. Non-RPWs that flow directly or indirectly into TNWs:<sup>8</sup>**  
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**  
Not Applicable.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**  
Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**  
Not Applicable.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:**  
Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**  
Not Applicable.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:**  
Not Applicable.

**Provide estimates for jurisdictional wetlands in the review area:**  
Not Applicable.

**7. Impoundments of jurisdictional waters:<sup>9</sup>**  
Not Applicable.

**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:<sup>10</sup>**  
 Not Applicable.

**Identify water body and summarize rationale supporting determination:**  
 Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**  
 Not Applicable.

**F. NON-JURISDICTIONAL WATERS. INCLUDING WETLANDS**

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):

**Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:**  
 Not Applicable.

**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.**  
 Not Applicable.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD**

(listed items shall be included in case file and, where checked and requested, appropriately reference below):

Data Reviewed	Source Label	Source Description
--U.S. Geological Survey Hydrologic Atlas	-	-
---USGS 8 and 12 digit HUC maps	-	-
--U.S. Geological Survey map(s).	-	-
--National wetlands inventory map(s).	-	-
--Applicable/supporting case law	-	-

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

Not Applicable.

<sup>1</sup>-Boxes checked below shall be supported by completing the appropriate sections in Section III below.  
<sup>2</sup>-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).  
<sup>3</sup>-Supporting documentation is presented in Section III.F.  
<sup>4</sup>-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.  
<sup>5</sup>-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.  
<sup>6</sup>-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.  
<sup>7</sup>-Ibid.  
<sup>8</sup>-See Footnote #3.  
<sup>9</sup>-To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.  
<sup>10</sup>-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.

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

JD Status: DRAFT

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12-JUL-2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2010-00756-JD2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State : IL - Illinois  
 County/parish/borough: Will  
 City:  
 Lat: 41.71382  
 Long: -88.14201  
 Universal Transverse Mercator Folder UTM List  
*UTM list determined by folder location*  
 • NAD83 / UTM zone 16N  
Waters UTM List  
*UTM list determined by waters location*  
 • NAD83 / UTM zone 16N

Name of nearest waterbody:  
 Name of nearest Traditional Navigable Water (TNW):  
 Name of watershed or Hydrologic Unit Code (HUC):

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 the action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office Determination Date:  
 Field Determination Date(s): 20-May-2011

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION

There "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.  
 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.  
 Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area:<sup>1</sup>

Water Name	Water Type(s) Present
DuPage River	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs

b. Identify (estimate) size of waters of the U.S. in the review area:

Area: (m<sup>2</sup>)  
 Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on:  
 OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:<sup>3</sup>

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1. TNW  
 Not Applicable.

2. Wetland Adjacent to TNW  
 Not Applicable.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:  
 Watershed size: 50 acres  
 Drainage area: 50 acres

Average annual rainfall: 37 inches  
 Average annual snowfall: inches

(ii) Physical Characteristics  
 (a) Relationship with TNW:

Tributary flows directly into TNW.  
 Tributary flows through [ ] tributaries before entering TNW.  
 : Number of tributaries

Project waters are 2-5 river miles from TNW.  
 Project waters are river miles from RPW.  
 Project Waters are aerial (straight) miles from TNW.  
 Project waters are aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries.

Explain:

Identify flow route to TNW:<sup>5</sup>  
 Onsite tributary flows directly into the West Branch DuPage River. The DuPage River drains into the Des Plaines River.

Tributary Stream Order, if known:

Order	Tributary Name
-	DuPage River

(b) General Tributary Characteristics:

Tributary is:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
DuPage River	X	-	-	-	-

Tributary properties with respect to top of bank (estimate):

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
DuPage River	8	1	3:1

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
DuPage River	X	-	-	-	X	X	-	-	-

Tributary (conditions, stability, presence, geometry, gradient):

Tributary Name	Condition/Stability	Run/Riffle/Pool Complexes	Geometry	Gradient (%)
DuPage River	-	-	Relatively straight	-

(c) Flow:

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume
DuPage River	Seasonal flow	20 (or greater)	-	-

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
DuPage River	Confined	-

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
DuPage River	-	-	-

Tributary has:

Tributary Name	Bed & Banks	OHWM	Discontinuous OHWM?	Explain
DuPage River	X	X	-	-

Tributaries with OHWM<sup>6</sup> - (as indicated above)

Tributary Name	OHWM	Clear	Litter	Changes in Soil	Destruction Vegetation	Shelving	Wrack Line	Matted/Absent Vegetation	Sediment Sorting	Leaf Litter	Scour	Sediment Deposition	Flow Events	Wa Stai
DuPage River	X	X	-	-	-	-	-	-	X	-	-	X	-	X

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

High Tide Line indicated by:  
 Not Applicable.

Mean High Water Mark indicated by:  
 Not Applicable.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Tributary Name Explain Identify specific pollutants, if known

DuPage River - -

(iv) Biological Characteristics. Channel supports:

Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
DuPage River	X	-	X	-	-

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:  
Not Applicable.

(b) General Flow Relationship with Non-TNW:

Flow is:  
Not Applicable.

Surface flow is:  
Not Applicable.

Subsurface flow:  
Not Applicable.

(c) Wetland Adjacency Determination with Non-TNW:  
Not Applicable.

(d) Proximity (Relationship) to TNW:  
Not Applicable.

(ii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).  
Not Applicable.

(iii) Biological Characteristics. Wetland supports:  
Not Applicable.

3. Characteristics of all wetlands adjacent to the tributary (if any):

All wetlands being considered in the cumulative analysis:  
Not Applicable.

Summarize overall biological, chemical and physical functions being performed:  
Not Applicable.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than an insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow, the proximity of the tributary and its adjacent wetlands to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any single factor (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Findings for: DuPage River

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands:  
Not Applicable.

2. RPWs that flow directly or indirectly into TNWs:

Wetland Name	Flow	Explain
DuPage River	SEASONAL	-

Provide estimates for jurisdictional waters in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m <sup>2</sup> )
DuPage River	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	-	607.0284
<b>Total:</b>		<b>0</b>	<b>607.0284</b>

3. Non-RPWs that flow directly or indirectly into TNWs:<sup>5</sup>  
Not Applicable.

Provide estimates for jurisdictional waters in the review area:

Not Applicable

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.  
Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:  
Not Applicable.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:

Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:  
Not Applicable.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:  
Not Applicable.

Provide estimates for jurisdictional wetlands in the review area:  
Not Applicable.

7. Impoundments of jurisdictional waters:<sup>9</sup>  
Not Applicable.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, WATERS:<sup>10</sup>  
Not Applicable.

Identify water body and summarize rationale supporting determination:  
Not Applicable.

Provide estimates for jurisdictional waters in the review area:  
Not Applicable.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS

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):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangere irrigated agriculture), using best professional judgment:  
Not Applicable.

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.  
Not Applicable.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD  
(listed items shall be included in case file and, where checked and requested, appropriately reference below)  
Not Applicable.

B. ADDITIONAL COMMENTS TO SUPPORT JD:  
Not Applicable.

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below  
<sup>2</sup> 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)  
<sup>3</sup> Supporting documentation is presented in Section III F  
<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the end West  
<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW  
<sup>6</sup> A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.  
<sup>7</sup> Ibid  
<sup>8</sup> See Footnote #3  
<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook  
<sup>10</sup> 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 Jurisdicti