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): 23-Nov-2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2010-00775-JDH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   Site:
   County/parish/borough:
   City:
   Lot:
   Long:
   Universal Transverse Mercator

   Folder UTMs List
   UTM list determined by folder location
   Enter LRC-2010-00775 location information to display the UTMs List.

   Waters UTMs List
   UTM list determined by waters location

   Name of nearest waterbody:
   Name of nearest Traditional Navigable Water (TNWs):
   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: 03-Dec-2010
   Field Determination Date(s): 30-Nov-2010

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:
         Water Name
         Water Type(s) Present
         Wetland
         Wetlands directly abutting RWPs that flow directly or indirectly into TNWs

      b. Identify (estimate) size of waters of the U.S. in the review area:
         Area: (m²)
         Linear: (m)

      c. Limits (boundaries) of jurisdiction:
         based on:
         OHPW Elevation: (if known)

   2. Non-regulated waters/wetlands:
      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:

(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 and milky; water quality; general watershed characteristics, etc.):
Not Applicable.

(iv) Biological Characteristics. Channel support:
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:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Size (Acres)</th>
<th>Wetland Type</th>
<th>Wetland Quality</th>
<th>Cross or Serve as State Boundaries. Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>17.9</td>
<td>Emergent</td>
<td>Moderate</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>Perennial flow</td>
<td></td>
</tr>
</tbody>
</table>

Surface flow is:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>Overland sheetflow</td>
<td>Large overland sheetflow constricted at outlet to channel and pipe</td>
</tr>
</tbody>
</table>

Subsurface flow:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Subsurface Flow</th>
<th>Explain Findings</th>
<th>Dye (or other) Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>Yes</td>
<td>Some areas bleed</td>
<td></td>
</tr>
</tbody>
</table>

(c) Wetland Adjacency Determination with Non-TNW:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Directly Adjacent</th>
<th>Hydrologic Connection</th>
<th>Ecological Connection</th>
<th>Separated by Berm/Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(d) Proximity (Relationship) to TNWs:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>River Miles From TNW</th>
<th>Aerial Miles From TNW</th>
<th>Flow Direction</th>
<th>Wetland is navigable waters</th>
<th>Within Floodplain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>15-20</td>
<td>15-15</td>
<td>Wetland is navigable waters</td>
<td>50 - 100-year</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Explanation</th>
<th>Identity specific pollutants, if known</th>
<th>Sediment, road salt runoff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(ii) Biological Characteristics. Wetland supports:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Riparian Buffer Characteristics</th>
<th>Vegetation</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Habitat for:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Habitat</th>
<th>Federally Listed Species</th>
<th>Explain Findings</th>
<th>Spawn Area</th>
<th>Explain Findings</th>
<th>Other Environmentally Sensitive Species</th>
<th>Explain Findings</th>
<th>Aquatic/Wildlife Diversity</th>
<th>Explain Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Characteristics of all wetlands adjacent to the tributary (if any): All wetlands being considered in the cumulative analysis:
Net Applicable.

Summarize overall biological, chemical and physical functions being performed:
Net 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:
Net Applicable.

2. RPWs that flow directly or indirectly into TNWs:
Net Applicable.

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

3. Non-RPWs that flow directly or indirectly into TNWs:
Net 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.

Provide acreage estimates for jurisdictional wetlands in the review area:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>PERENNIAL</td>
<td>Wetland system outflows entire year</td>
</tr>
</tbody>
</table>

Provide acreage estimates for jurisdictional wetlands in the review area:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Type</th>
<th>Size (Linear) (m)</th>
<th>Size (Area) (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>72438.7224</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:
Net Applicable.

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

7. Impoundments of jurisdictional waters:

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: 11

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

<table>
<thead>
<tr>
<th>Data Reviewed</th>
<th>Source Label</th>
<th>Source Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>Data sheets prepared/submitted by or on behalf of the applicant/consultant</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>Office concurs with data sheets/delineation report</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>U.S. Geological Survey Hydrologic Atlas</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>USGS 8 and 12 digit HUC maps</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>U.S. Geological Survey maps(s)</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>USDA Natural Resources Conservation Service Soil Survey</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>National wetlands inventory map(s)</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>State/local wetland inventory map(s)</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>FEMAP-FIRMs</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>Photographs</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>Aerial</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>Application/supporting case law</td>
<td>Source</td>
<td>Source Description</td>
</tr>
<tr>
<td>Other Information</td>
<td>Source</td>
<td>Source Description</td>
</tr>
</tbody>
</table>

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Description:

Site visit on 11/30/2010 to trace flow, conversations with local homeowner/expert.

---

1. Boxes checked below shall be supported by completing the appropriate sections in Section III below.

2. For purposes of this form, an RWI is defined as a tributary that is not a TIN and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

3. Supporting documentation is presented in Section II.B.

4. Note that the Institutional Guidance contains additional information regarding swales, ditches, washes, and escarpments generally and in the West.

5. Flow route can be determined by identifying, e.g., tributary A, which flows through the review area, to flow into tributary B, which then flows into TIN.

6. Nature or man-made discontinuity in the Group does not necessarily mean jurisdiction (e.g., where the stream temporarily flows underground, or where the cultivation has been affected by development or agricultural practices). Where there is a break in the CHM that is attributed to the wetland'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.

7. Not

8. See footnote #8.

9. To complete the analysis refer to the key in Section 11.6 of the Institutional Guidance.

10. Prior to asserting or designating CWA jurisdiction based on the category, Corps Districts will complete the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Receipt

https://orm.usace.army.mil/orm2/?p=106:34:3432897707407963::NO::

12/3/2010
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-Nov-2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2010-00663-JD2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL - Illinois
County/parish/borough: Cook
City: South Barrington
Lat: 42.09361
Long: -88.13387
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

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: 22-Nov-2010
Field Determination Date(s): 28-Sep-2010

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:

<table>
<thead>
<tr>
<th>Water Name</th>
<th>Water Type(s) Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs</td>
</tr>
<tr>
<td>Wetland A</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
</tr>
</tbody>
</table>

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

   Area: (m²)
   Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on:
OHWM Elevation: (if known)

2. Non-regulated waters/wetlands.¹
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.⁵

Tributary Stream Order, if known:

<table>
<thead>
<tr>
<th>Order</th>
<th>Tributary Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Poplar Creek</td>
</tr>
</tbody>
</table>

(b) General Tributary Characteristics:
Tributary is:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Natural</th>
<th>Artificial</th>
<th>Explain</th>
<th>Manipulated</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Width (ft)</th>
<th>Depth (ft)</th>
<th>Side Slopes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>12</td>
<td>2</td>
<td>4.1 (or greater)</td>
</tr>
</tbody>
</table>

Primary tributary substrate composition:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Silt</th>
<th>Sands</th>
<th>Concrete</th>
<th>Cobble</th>
<th>Gravel</th>
<th>Muck</th>
<th>Bedrock</th>
<th>Vegetation</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Condition/Stability</th>
<th>Run\Riffle\Pool Complexes</th>
<th>Geometry</th>
<th>Gradient (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>Tributary is stable with vegetated banks of trees and shrubs.</td>
<td>Some small riffles and pools.</td>
<td>Meandering</td>
<td>1</td>
</tr>
</tbody>
</table>

(c) Flow:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Provides for</th>
<th>Events Per Year</th>
<th>Flow Regime</th>
<th>Duration &amp; Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>Perennial flow</td>
<td>20 (or greater)</td>
<td>Creek flows year-round</td>
<td>-</td>
</tr>
</tbody>
</table>

Surface Flow is:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Surface Flow</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>Discrete and confined</td>
<td>Defined bed and bank.</td>
</tr>
</tbody>
</table>

Subsurface Flow:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Subsurface Flow</th>
<th>Explain Findings</th>
<th>Dye (or other) Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Tributary has:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Red &amp; Banks</th>
<th>OHWM</th>
<th>Discontinuous OHWM</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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.).

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Explain</th>
<th>Identify specific pollutants, if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>Water color is cloudy.</td>
<td>Sediment; road salt and grease.</td>
</tr>
</tbody>
</table>

(iv) Biological Characteristics. Channel supports:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Riparian Corridor</th>
<th>Characteristics</th>
<th>Wetland Fringe</th>
<th>Characteristics</th>
<th>Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>X</td>
<td>Forested, 50-100' wide.</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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

(i) Physical Characteristics:
(a) General Wetland Characteristics:
Properties:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Size (Acres)</th>
<th>Wetland Type</th>
<th>Wetland Quality</th>
<th>Cross or Serve as State Boundaries. Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>26.82</td>
<td>Emergent</td>
<td>High 23.5FQI</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>Perennial flow</td>
<td>-</td>
</tr>
</tbody>
</table>

Surface flow is:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Characteristics</th>
</tr>
</thead>
</table>
Wetland A Overland sheetflow. Creek bisects wetland, so volume of flow increases width of flow in wetland.

Subsurface flow:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Subsurface Flow</th>
<th>Explain Findings</th>
<th>Dye (or other) Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(c) Wetland Adjacency Determination with Non-TNW:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Directly Abutting</th>
<th>Discrete Wetland Hydrologic Connection</th>
<th>Ecological Connection</th>
<th>Separated by Berm/Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(d) Proximity (Relationship) to TNW:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>River Miles From TNW</th>
<th>Aerial Miles From TNW</th>
<th>Flow Direction</th>
<th>Within Floodplain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>10-15</td>
<td>5-10</td>
<td>Wetland to navigable waters</td>
<td>50 - 100-year</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Explain</th>
<th>Identify specific pollutants, if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>-</td>
<td>Sediment; road salt and grease.</td>
</tr>
</tbody>
</table>

(iii) Biological Characteristics. Wetland supports:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Riparian Buffer</th>
<th>Characteristics</th>
<th>Vegetation</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>X</td>
<td>Forested, 50-100’ wide.</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poplar Creek</td>
<td>PERENNIAL</td>
<td>Creek flows year-round.</td>
</tr>
</tbody>
</table>

Provide estimates for jurisdictional waters in the review area:


11/22/2010
3. Non-RPWs that flow directly or indirectly into TNWs.\(^8\)
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.

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>PERENNIAL</td>
<td>Wetland directly abutting poplar creek.</td>
</tr>
</tbody>
</table>

Provide acreage estimates for jurisdictional wetlands in the review area:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Type</th>
<th>Size (Linear) (m)</th>
<th>Size (Area) (m(^2))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland A</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>108536.67792</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

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.\(^9\)
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.\(^10\)
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

https://orm.usace.army.mil/orm2/?p=106:34:200541037562506::NO::

11/22/2010
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:
Not Applicable.

B. ADDITIONAL COMMENTS TO SUPPORT JD:
Not Applicable.

---

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).
3. Supporting documentation is presented in Section III.F.
4. Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
5. 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.
6. 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.
7. ibid
8. See Footnote #3.
9. To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
10. 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.

https://orm.usace.army.mil/orm2/?p=106:34:200541037562506::NO::

11/22/2010
SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 02-Nov-2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2010-00260-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IN - Indiana
County/parish/borough: Porter
City: unincorporated
Lat: 41.53399
Long: -86.95494

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: Crooked Creek
Name of nearest Traditional Navigable Water (TNW): Kankakee River
Name of watershed or Hydrologic Unit Code (HUC): 07120001090130

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: 02-Nov-2010
Field Determination Date(s): 29-Jun-2010

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:

      Water Name | Water Type(s) Present
      LRC-2010-280 Wetland 1 | Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      LRC-2010-280 Wetland 2 | 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: 4600 (m²)
      Linear: (m)

   c. Limits (boundaries) of jurisdiction:
      based on: Not established at this time.
      OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:

   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-ThWs that flow directly or indirectly into TNW
(i) General Area Conditions:
- Watershed size: 14079 acres
- Drainage area: 700 acres
- Average annual rainfall: 26 inches
- Average annual snowfall: 14 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 20-25 river miles from TNW.
- Project waters are 1-2 river miles from RPW.
- Project Waters are 15-20 aerial (straight) miles from TNW.
- Project waters are 1-2 aerial (straight) miles from RPW.
  - Project waters cross or serve as state boundaries.

  Explain:
  Identify flow route to TNW:
  Wetland 1 is connected to wetland on south side of 700 N via CMP. It is likely that both Wetland 1 and Wetland 2 were historically part of same wetland complex as located on south side of 700N. The wetland continues south (mapped on NWI and soil survey), portions of it appear to be excavated into open water bodies (ponds) which appear to eventually connect to an open ditch/drainageway that is not mapped on the USGS. This drainageway drains into a more defined ditch/channel (also not mapped on USGS) which drains into Crooked Creek, mapped as solid blue line drainage on the USGS. Crooked Creek eventually turns into Kiceville Ditch which in turn drains into Henriet Ditch. Henriet Ditch drains into the Kankakee River, a 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:
  Surface Flow is:
  Not Applicable.

  Subsurface Flow:
  Not Applicable.

  Tributary has:
  Not Applicable.

  If factors other than the OWM were used to determine lateral extent of CWA jurisdiction:
  Not Applicable.

  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:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Size (Acres)</th>
<th>Wetland Type</th>
<th>Wetland Quality</th>
<th>Cross or Serve as State Boundaries</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-290</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland 1</td>
<td>5.13</td>
<td>forested wetland complex</td>
<td>above average</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>LRC-2010-290</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland 2</td>
<td>2.27</td>
<td>scrub shrub wetland complex with an open water pond in the center and a forested fringe located on its eastern portion.</td>
<td>above average</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LRC-2010-280 Wetland 1 Intermittent flow.
LRC-2010-280 Wetland 2 Intermittent flow.

**Surface Flow:**

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>Discrete and confined appears to flow below ground and over land.</td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>Discrete and confined -</td>
</tr>
</tbody>
</table>

**Subsurface Flow:**

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Subsurface Flow Explain Findings Dye (or other) Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>Unknown Most likely portions of connection from Wetland 1 to TNW are tilled. -</td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>Unknown Most likely portions of connection from Wetland 2 to TNW are tilled. -</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Directly Butting</th>
<th>Discrete Wetland Hydrologic Connection</th>
<th>Ecological Connection</th>
<th>Separated by Berm/Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>No</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>No</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>River Miles From TNW</th>
<th>Aerial Miles From TNW</th>
<th>Flow Direction</th>
<th>Within Floodplain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>20-25</td>
<td>15-20</td>
<td>Wetland to navigable waters</td>
<td>100 - 500-year</td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>20-25</td>
<td>15-20</td>
<td>Wetland to navigable waters</td>
<td>100 - 500-year</td>
</tr>
</tbody>
</table>

**(ii) Chemical Characteristics:**

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Explain Identify specific pollutants, if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Riparian Buffer</th>
<th>Characteristics</th>
<th>Vegetation</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>-</td>
<td>Different types of wetland exhibiting different amounts of percent cover comprise Wetland 1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>-</td>
<td>Different types of wetland exhibiting different amounts of percent cover comprise Wetland 2.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Habitat for:**

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Habitat</th>
<th>Federally Listed Species</th>
<th>Explain Findings</th>
<th>Spawn Area</th>
<th>Other Environmentally Sensitive Species</th>
<th>Aquatic/Wildlife Diversity</th>
<th>Explain Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
</tbody>
</table>

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: LRC-2010-280 Wetland 1, LRC-2010-280 Wetland 2

Both wetland areas have the same basic connection to TNW, the Kankakee River. Wetland 1 is a large 5+ acre forested wetland complex that is connected to an off-site wetland on the south side of CR 700 N via a corrugated metal pipe. Wetland 2 is a relatively large 2+ acre scrub shrub wetland complex that is located near (within about 200 feet of) an off-site wetland on the south side of CR 700N. It is possible that pipe providing connection from Wetland 2 to off-site wetland south of CR 700N has collapsed or has settled out of view. The wetland on the south side of the road appears to be hydrologically connected to Crooked Creek by existing wetland, assumed created open water bodies (likely excavated wetlands), potential overland drainages, field tile, and open bed and bank drainageways. The entire site, including Wetland 1 and Wetland 2, drains to the southeast towards Crooked Creek. The USGS topo reflects this by showing a fall of over 60 feet in elevation in the approximate 8000 feet that...
separates Wetland 1 and Wetland 2 and the RPW. It is likely that a more obvious connection to waters of the US from Wetland 1 was altered by construction of CR 700N as well as by construction of homes and buildings in the area. Wetland 1 and Wetland 2 perform many biological functions including nesting, breeding, and forage habitat for wildlife including, but not limited to, amphibians, birds, mammals, and insects. Wetland 1 and Wetland 2 also provide biological functions in their native soils and the many biological processes that occur there, down to the microscopic level. Chemical functions the subject wetlands provide include pollutant filtering, absorption of excess nutrients, biogeochemical cycling, and overall benefit to water chemistry due to grading, infiltration, and flood attenuation functions that wetlands provide. Physical functions the subject wetlands provide include flood storage volume, flow maintenance, groundwater recharge/discharge, sediment trapping, reduction of soil erosion, and recreation.

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:
   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:
   
<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Type</th>
<th>Size (Linear) (m)</th>
<th>Size (Area) (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2010-280 Wetland 1</td>
<td>Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>20760.37128</td>
</tr>
<tr>
<td>LRC-2010-280 Wetland 2</td>
<td>Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>9186.36312</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>0</td>
<td>29946.7344</td>
</tr>
</tbody>
</table>

7. Impoundments of jurisdictional waters:
   Not Applicable.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCES, INCLUDING ANY SUCH WATERS:

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:

<table>
<thead>
<tr>
<th>Data Reviewed</th>
<th>Source Label</th>
<th>Source Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Maps, plans, prints or plat submitted by or on behalf of the applicant/consultant</td>
<td>Wetland Delineation Report</td>
<td>Dated May 6, 2010 prepared by Soil Solutions, Inc.</td>
</tr>
<tr>
<td>-Field notes submitted/initialled by or on behalf of the applicant/consultant</td>
<td>Wetland Delineation Report</td>
<td>Dated May 6, 2010 prepared by Soil Solutions, Inc.</td>
</tr>
<tr>
<td>-U.S. Geological Survey map(s)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-USDA Natural Resources Conservation Service Soil Survey</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-National wetlands inventory map(s)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-State/Local wetland inventory map(s)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-Photographs</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-Aerial</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>aerial photograph review</td>
<td>2003, 2005, 2007, 2009, 2010 aerial photographs were reviewed.</td>
</tr>
</tbody>
</table>

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Not Applicable.

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Footnotes:

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).

3. Supporting documentation is presented in Section III F.

4. Note that the Inletlational Guidebook contains additional information regarding swales, ditches, washes, and other features generally in the and Missouri-Arkansas River Basins.

5. Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to river into tributary b, which then flows into TNW.

6. 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.

7. Id. See Footnote #3.

8. See Section III F.2. To complete the analysis refer to the key in Section III D of the Inletlational Guidebook.

9. Prior to asserting or declining CWA jurisdiction based 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 Receipt.