

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

APPLICANT: Robert Wegener PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200500139 PROJECT REVIEW COMPLETED: Office Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory: MARENGO SOUTH.
- U. S. Geological Survey Hydrologic Atlas: MARENGO SOUTH, HA 463.
- USDA National Resources Conservation Service Soil Survey for McHenry County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: MARENGO SOUTH, 1968.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: _____.
- U. S. Geological Survey 15 Minute Historic Quadrangles: _____.
- Aerial Photographs (Name & Date): 2002
- Advanced Identification Wetland Maps: MCHENRY COUNTY..
- Site Visit Conducted on: November 16, 2004
- Other information:

Rationale for Basis (applies to any boxes checked above): Riley Creek and the associated onsite wetland drain to the Kishwaukee River, which drains to the Rock River, a navigable waterway under Department of the Army jurisdiction.

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

Ordinary High Water Mark indicated by:

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

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

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

Recommended by: _____ Date: 1-3-05

Approved by: _____ Date: 1-4-05

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

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

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Mr. and Mrs. Hansen PROJECT LOCATION/WATERWAY: 1 Acre Property at 11 Buege Lane in Burr Ridge, Cook County, Illinois (Section 31, T38N, R12E).

FILE NUMBER: 200500135 PROJECT REVIEW COMPLETED: Office Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory: SAG BRIDGE.
 U. S. Geological Survey Hydrologic Atlas:
 USDA Natural Resources Conservation Service Soil Survey for Cook County.
 U. S. Geological Survey 7.5 Minute Topographic Maps: SAG BRIDGE, 1993.
 U. S. Geological Survey 7.5 Minute Historic Quadrangles:
 U. S. Geological Survey 15 Minute Historic Quadrangles:
 Aerials (Name & Date): AirPhoto 1999
 Advanced Identification Wetland Maps:
 Site Visit Conducted on: 16 December 2004
 Other information:

Rationale for Basis (applies to any boxes checked above): Wetland area 1 exhibits a hydrologic connection to navigable waters and is under jurisdiction of this office. It drains to the north through a small channel, then east to a storm sewer. The storm sewer drains under Pleasant View Avenue, then under Crescent Court and outlets into Flag Creek. Flag Creek drains into the Des Plaines River, a navigable water.

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

Ordinary High Water Mark indicated by:

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

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

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

Recommended by: ORIGINAL SIGNED Date: 2/Jan 05

Approved by: Date: 2/Jan 05

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

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

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: McBride Engineering, Inc. PROJECT LOCATION/WATERWAY: 33 Acre Property West of Main Street and Route 83 in Lemont, Cook County, Illinois (Section 14, T37N, R11E).

FILE NUMBER: 200500241 PROJECT REVIEW COMPLETED: Office Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory: SAG BRIDGE.
 U. S. Geological Survey Hydrologic Atlas:
 USDA Natural Resources Conservation Service Soil Survey for Cook County.
 U. S. Geological Survey 7.5 Minute Topographic Maps: SAG BRIDGE, 1993.
 U. S. Geological Survey 7.5 Minute Historic Quadrangles:
 U. S. Geological Survey 15 Minute Historic Quadrangles:
 Aerials (Name & Date): Air Photo 1999
 Advanced Identification Wetland Maps:
 Site Visit Conducted on: 13 January 2004
 Other information:

Rationale for Basis (applies to any boxes checked above): One Large wetland, covering most of the property, drains offsite into navigable waters and is under jurisdiction of this office.

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

Ordinary High Water Mark indicated by:

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

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

- This office concurs with your wetland delineation report dated 13 December 2004, prepared by JFNew.
 This office does not confirm your wetland boundary.

Recommended by: MITCHELL A. ISUZ Chief, Regulatory Branch Date: _____

Approved by: _____ Date: 28 Jan 05

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

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

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

APPLICANT: Peotone Development Corp. PROJECT LOCATION/WATERWAY: Approximately 0.25 Miles East of Rt. 50 on Corning Avenue

FILE NUMBER: 200401053 PROJECT REVIEW COMPLETED: Office Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory: PEOTONE.
- U. S. Geological Survey Hydrologic Atlas: PEOTONE, 251.
- USDA Natural Resources Conservation Service Soil Survey for Will County.
- U. S. Geological Survey 7.5-Minute Topographic Maps: PEOTONE, 1990.
- U. S. Geological Survey 7.5-Minute Historic Quadrangles: _____.
- U. S. Geological Survey 15-Minute Historic Quadrangles: _____.
- Aerials (Name & Date): Peotone, 2002
- Advanced Identification Wetland Maps: _____.
- Site Visit Conducted on: _____.
- Other information: _____.

Rationale for Basis (applies to any boxes checked above): Black Walnut Creek flows into the Kankakee River, a navigable "waters of the U.S." and is therefore jurisdictional.

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

Ordinary High Water Mark indicated by:

- | | |
|--|--|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris | <input type="checkbox"/> shelving |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> other: |
| <input type="checkbox"/> wetland boundary | |

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

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

Recommended by: _____ Date: 14 Dec 04

Approved by: _____ Date: 18 Jan 05

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

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

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: MCI PROJECT LOCATION/WATERWAY: Indian Creek And An Indian Creek Tributary In Vernon Hills, Lake County, Illinois (Section 15, T43N, R11E)

FILE NUMBER: 200401140 PROJECT REVIEW COMPLETED: [X] Office [] Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

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

Rationale for Basis (applies to any boxes checked above): Waters of the U.S. "A" and "B", as referenced in your delineation report, have a hydrologic surface connection to the Des Plaines River, a navigable water, and are therefore under the jurisdiction of this office.

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

Ordinary High Water Mark indicated by:

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

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

- [X] This office concurs with your wetland delineation report dated September 21, 2004, prepared by Professional Service Industries, Inc..
[] This office does not confirm your wetland boundary

Recommended by: ORIGINAL SIGNED Date: _____

Approved by: _____ Date: 12/2/05

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

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

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

APPLICANT: Mark Werner PROJECT LOCATION/WATERWAY: ADID #36/Nippersink Lake

FILE NUMBER: 200500185 PROJECT REVIEW COMPLETED: Office Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory: _____
- U. S. Geological Survey Hydrologic Atlas: FOX LAKE, HA 151.
- USDA Natural Resources Conservation Service Soil Survey for Lake County.
- U. S. Geological Survey 7.5 Minute Topographic Maps: FOX LAKE, 1993.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: _____
- U. S. Geological Survey 15 Minute Historic Quadrangles: _____
- Aerials (Name & Date): Lake County 1939 & 2000, PhotoMapper 2001 & 2002
- Advanced Identification Wetland Maps: LAKE COUNTY.
- Site Visit Conducted on:
- Other information:

Rationale for Basis (applies to any boxes checked above): Wetland is tributary and adjacent to Nippersink Lake. Nippersink lake is part of the Fox River, a navigable water of the United States, therefore the wetland is also a water of the United States and under the jurisdiction of the Department of the Army.

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

Ordinary High Water Mark indicated by:

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

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

- This office concurs with your wetland delineation report dated October 14, 2004, prepared by Benchmark Environmental.
- This office does not confirm your wetland boundary

Recommended by: [Signature] Date: 1-5-04

Approved by: [Signature] Date: 1-6-05

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

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

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

APPLICANT: Hey and Associates, Inc. PROJECT LOCATION/WATERWAY: Diamond Lake Property In Mundelein, Lake County, Illinois (Section 31, T44N, R11E)

FILE NUMBER: 200500032 PROJECT REVIEW COMPLETED: Office Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

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

Rationale for Basis (applies to any boxes checked above): Diamond Lake is considered a "water of the United States" because it is hydrologically connected to the Des Plaines River, a navigable waterway, via Indian Creek.

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

Ordinary High Water Mark indicated by:

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

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

- This office concurs with your wetland delineation report dated October 1, 2004, prepared by Hey and Associates, Inc.
 This office does not confirm your wetland boundary

Recommended by: _____ Date: 1/10/05

Approved by: **ORIGINAL SIGNED** Date: _____

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

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

