SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): 04-05-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LIC-2004-0456-J01

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL - Illinois
County/parish/borough: Will
City: 
Lat.: 41.96434
Long.: -88.18595
Universal Transverse Mercator UTM easting: 320153
UTM northing: 4456680
UTM zone: 17S

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., offshore 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: 16-Nov-2009
Field Determination Date(s): 13-Nov-2009

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 325) 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 1: Wetlands directly abutting RHPWs that flow directly or indirectly into TNWs
      Wet Creek: Relatively Permanent Water (RPAW) that flow directly or indirectly into TNWs

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

      Area: [acres]
      Linear: [miles]

   c. Limits (boundaries) of jurisdiction:

      based on: [ ]
      OHWM Elevation: [known]

2. Non-regulated waters/wetlands:

   Explanations to be non-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

   a. 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.

(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>Wolf Creek</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Historically excavated and straightened for farming.

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>Wolf Creek</td>
<td>20</td>
<td>3</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>Wolf Creek</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td></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>Wolf Creek</td>
<td>Tributary is stable given vegetative buffer Absent</td>
<td>Relative straight</td>
<td>1</td>
<td></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>Wolf Creek</td>
<td>Parental flow 20 (or greater)</td>
<td>Creek flows year round</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Surface Flow:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Surface Flow Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wolf Creek</td>
<td>Discrete and confined Flow is mostly contained in steep sided channel in farm field</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>Wolf Creek</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Tributary has:

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

Tributaries with OHWM - (as indicated above)

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>OHWM</th>
<th>Clear Litter</th>
<th>Changes in Soil</th>
<th>Destruction Vegetation</th>
<th>Shearing</th>
<th>Wrack Line</th>
<th>Mattled/Absent Vegetation</th>
<th>Sediment Sorting</th>
<th>Leaf Litter</th>
<th>Scour</th>
<th>Sediment Deposition</th>
<th>Flow Events</th>
<th>Wet Stain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wolf Creek</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</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:
Characteristics 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>Wolf Creek</td>
<td>Tributary is slightly discolored: Sediment, road salt, farm pesticide and fertilizer</td>
<td></td>
</tr>
</tbody>
</table>
(iv) Biological Characteristics. Channel supports:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Riparian Buffer</th>
<th>Characteristics</th>
<th>Wetland Fringe</th>
<th>Characteristics</th>
<th>Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wolf Creek</td>
<td>X</td>
<td></td>
<td>5C overall vegetative corridor</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:

<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>4.71</td>
<td>Mix of emergent and some scrub trees</td>
<td>Low</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></td>
<td></td>
</tr>
</tbody>
</table>

Surface flow:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td></td>
<td>Discrete and confined Creek is confined by banks with wetland vegetation</td>
</tr>
</tbody>
</table>

Subsurface Flow:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Subsurface Flow</th>
<th>Explain Findings</th>
<th>2ly (or other) Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td></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 Benni/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 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 1</td>
<td>10-15</td>
<td>10-15</td>
<td>Wetland to navigable waters</td>
<td>50 - 100-year</td>
</tr>
</tbody>
</table>

(ii) Chemical Characteristics:

Characteristics to 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 1</td>
<td></td>
<td>Sediment, farm pesticides and fertilizers; road salt</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 1</td>
<td>X</td>
<td></td>
<td>50 foot wide trail connects to DuPage River, surrounded by farmland</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.

Summary: 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 contribute to the physical 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, or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volumes, duration, and frequency 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 parameter (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 sig

Significant Nexus: Not Applicable

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

1. TNW 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>Wolf Creek</td>
<td>PERENNIAL</td>
<td>Wolf Creek flows year round and goes into the DuPage River at the edge of the property</td>
</tr>
</tbody>
</table>

Provide estimates for jurisdictional waters 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>Wolf Creek</td>
<td></td>
<td>1097.28</td>
<td></td>
</tr>
</tbody>
</table>

3. Non-RPWs that flow directly or indirectly into TNWs.¹
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.

Wetland Name  Flow  Explain
Wetland 1  PERENNIAL  Creek is direct tributary to the DuPage River and has year-round flow.

Provide acreages estimates for jurisdictions 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></td>
<td>0</td>
<td>18060.69176</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>0</td>
<td>18060.69176</td>
</tr>
</tbody>
</table>

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.²
Not Applicable.

8. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, III WATERS.¹¹
Not Applicable.

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

Provide estimates for jurisdictional wetlands 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 under 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 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>Map plans, plots or print submitted by or on behalf of the applicant/consultant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data sheets prepared submitted by or on behalf of the applicant/consultant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office concurs with data sheets/delineation report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Geological Survey Hydrologic Atlas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>USGS Band 12 HUC maps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Geological Survey maps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>USDA Natural Resources Conservation Service Soils Survey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>National/State inventory map(s).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEMATIR/IR maps</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>Applicable/supporting case law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other information</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
B. ADDITIONAL COMMENTS TO SUPPORT JD:

Description

Site visit on 13 Nov 2009.

---

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

2. For purposes of this form, an RPI 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 III.D.

4. Note that the Institutional Guidebook contains additional information regarding swales, ditches, washes, and occasional 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 TIN.

6. A natural or man-made discontinuity in the OWM does not necessarily mean jurisdiction (e.g., where the stream temporarily flows underground or where the OWM has been removed by development or agricultural practices). Where there is a break in 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 Factnote #2.

9. To complete the analysis, refer to the key in Section II.D.6 of the Institutional Guidebook.

10. Prior to establishing or denying OWM jurisdiction based solely on this category, Corps District will escalate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding OWM Act June 4-4.

https://orm.usace.army.mil/orm2/?p=106:34:74254142964868::NO::

11/18/2009
ORM Printer Friendly JD Form

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): 03-Nov-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, URC-2009-00557-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL
County/parish/borough: Will
City: 41.85214
Lat: 87.91494
Long: UTM East 316673
Universal Transverse Mercator
Folder UTM Lat
UTM lat determined by folder location
NA083 / UTM zone 37S
Waters UTM Lat
UTM lat determined by waters location
NA083 / UTM zone 37S

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

Check if map/diagram if 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: 19-Nov-2009
Field Determination Date(s): 13-Nov-2009

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 320) in the review area.

Water subject to the ebb and flow of the tide
Waterways 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: Wetlands
   Water Type(s) Present: Wetlands directly abutting RPHWs that flow directly or indirectly into TNWs

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

      Area: (sq ft)
      Linear: (m)

   c. Limits (boundaries) of jurisdiction:

      based on: [ ]
      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-TNWs that flow directly or indirectly into TNW

   (l) 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 water are [] river miles from TNW.
  Project water are [] river miles from RPW.
  Project Waters are [] aerial (straight) miles from TNW.
  Project water are [] aerial (straight) miles from RPW.

  Project waters cross or serve as data boundaries

  Explain:
  Identify flow route to TNW:

(b) General Tributary Characteristics:

  Tributary is:
  Tributary Name: East Normantown Drain

  Tributary properties with respect to top of bank (estimate):
  Tributary Name: East Normantown Drain
  Width (ft): 3
  Depth (ft): 1
  Side Slopes:

  Tributary substrate composition:
  Tributary Name: East Normantown Drain

  Tributary conditions, stability, presence, geometry, gradient:
  Tributary Name: East Normantown Drain
  Condition/ Stability: Side slopes stable, while the creek itself has small meanders in the bottom. Subtle and small.
  Run/ riffle/ pool complexes: Relatively straight
  Geometry: 1

(c) Flow:
  Tributary Name: East Normantown Drain
  Provides for: Perennial flow
  Events Per Year: 20 (or greater)
  Flow Regime: Tributary flows year round
  Duration & Volume:

  Surface Flow:
  Tributary Name: East Normantown Drain

  Subsurface Flow:
  Tributary Name: East Normantown Drain

  Tributary has:
  Tributary Name: East Normantown Drain

  Tributaries with OHWM4 - (as indicated above):
  Tributary Name: East Normantown Drain

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

  High Tide Line indicated by: Not Applicable.
  Mean High Water Mark indicated by: Not Applicable.

(ii) Chemical Characteristics:
  Characterize tributary (e.g., water color is clear, decolored, oily film, water quality, general watershed characteristics, etc.).
  Tributary Name: Explain
  Identify specific pollutants, if known

---

East Norrtown Drain: Tributary is relatively clear. Sediment, farm pesticides and fertilizers.

(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>East Norrtown Drain</td>
<td>X</td>
<td>50' wide total riparian corridor through farm field.</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:

<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>77</td>
<td>PEMC</td>
<td>Low, dominated by Phalaris arundinacea</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></td>
<td>Discrete and confined, Creek flows within deep banks below farm field.</td>
</tr>
</tbody>
</table>

Subsurface flow:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Subsurface Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>Unknown</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 Wetlands</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>
<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 1</td>
<td>2-5</td>
<td>2-5</td>
<td></td>
<td>Wetland to navigable waters 50 - 100-year</td>
</tr>
</tbody>
</table>

(ii) Chemical Characteristics:

Characteristics 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 1</td>
<td></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>Wetland 1</td>
<td>X</td>
<td>50' riparian corridor in the middle of a farm field</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 sign 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 in the tributary and its proximity to a TNW, and the functions performed by the tributary and all of its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any one of these factors (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 Not Applicable.

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

1. TNWs and Adjacent Wetlands:

Not Applicable.

2. RWNs 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>East Norrtown Drain</td>
<td>BIPENNIAL</td>
<td>Creek is a blue-line stream on the USGS maps, and had strong flow at the time of visit</td>
</tr>
</tbody>
</table>

Provide estimates for jurisdictional waters 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>
</table>

3. Non-RPWs that flow directly or indirectly into TNWs. Not Applicable.

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

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs:
Wetland Name: PERENNIAL
Flow: Tributary flows year-round.

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>Perennial RPW that flow directly or indirectly into TNWs</td>
<td>516.07912</td>
<td>1118.07912</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.


E. ISOLATED (INTERSTATE OR INTRA-STATE) WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, I 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.

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 (negated 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 plots submitted by or on behalf of the applicant/consultant</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Data sheets prepared or submitted by or on behalf of the applicant/consultant</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Office contacts with data sheets/delineation report</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>U.S. Geological Survey Hydrologic Atlas</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>USGS 8 and 12 digit KUC maps</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>U.S. Geological Survey maps</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>USDA Natural Resources Conservation Service Soil Survey</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Nationalwetlands inventory maps</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>FEMA/FIRM maps</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Photographs</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Applicable/supporting case law</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other information</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Site visit on 13 Nov 2009 confirmed flow.

---

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

2. For purposes of this form, an "HPW" is defined as a tributary that is not a TMDL 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 Instructional Guidebook contains additional information regarding stream, ditch, wetland, and riparian features generally and in the area.

5. A wetland can be composed of a stream flow, which is a tributary, which then flows into a tributary, which then flows into a TMDL.

6. A natural or man-made discontinuity in the OWMN does not necessarily occur in every jurisdiction (e.g., where the stream temporarily flows underground) or where the OWMN has been removed by development or agricultural practices. Where a break in 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.

10. Prior to assessing or assigning OWMN jurisdiction based solely on the category, Corps Districts will submit the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA memorandum Regarding OWMN: Jurisdiction.
SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 27-Oct-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-00597-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

- **State:** IL - Illinois
- **County/parish/borough:** Lake
- **City:**
- **Lat:** 42.23897
- **Long:** -88.16906
- **Universal Transverse Mercator**
  - **Folder UTM List**
    - **UTM list determined by folder location**
    - NAD83 / UTM zone 38S
  - **Waters UTM List**
    - **UTM list determined by waters location**
    - NAD83 / UTM zone 38S

**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:** 09-Nov-2009
- **Field Determination Date(s):** 05-Nov-2009

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>Wetland W1</td>
<td>Wetlands adjacent to TNWs</td>
</tr>
<tr>
<td>Wetland W2</td>
<td>Wetlands adjacent to 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: []
   ChWWM 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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Summarize rationale supporting conclusion that wetland is &quot;adjacent&quot;:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland W1</td>
<td>Subject wetland abuts the TNW, and is an emergent wetland with standing water connecting to the TNW.</td>
</tr>
<tr>
<td>Wetland W2</td>
<td>Subject wetland is connected via a culvert under River Road to wetland W1 which abuts the TNW, and is an emergent wetland with standing water connecting to the TNW. Both wetlands were contiguous prior to being bisected by River Road.</td>
</tr>
</tbody>
</table>

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.

   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:
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:

<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 W1</td>
<td>Wetlands adjacent to TNWs</td>
<td>-</td>
<td>80937.12</td>
</tr>
<tr>
<td>Wetland W2</td>
<td>Wetlands adjacent to TNWs</td>
<td>-</td>
<td>80937.12</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td></td>
<td>161874.24</td>
</tr>
</tbody>
</table>

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:

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 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):

<table>
<thead>
<tr>
<th>Data Reviewed</th>
<th>Source Label</th>
<th>Source Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maps, plans, plats or plat submitted by or on behalf of the applicant/consultant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data sheets prepared/submitted by or on behalf of the applicant/consultant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office concurs with data sheets/delineation report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corps navigable waters study</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Geological Survey Hydrologic Atlas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-USGS 8 and 12 digit HUC maps</td>
<td></td>
<td></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>-Applicable/supporting case law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other information</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

All maps and aerials show this is a wetland abutting the TNW.

---

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

2. For purposes of this form, an RPV 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.
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): 06-Nov-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-00608-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL - Illinois
County/parish/borough: Kane
City:
Lat: 42.10105
Long: -88.51317
Universal Transverse Mercator:
  Folder UTM List
    UTM list determined by folder location
      • NAD83 / UTM zone 38S
  Waters UTM List
    UTM list determined by waters location
      • NAD83 / UTM zone 38S

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: 06-Nov-2009
Field Determination Date(s): 05-Nov-2009

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>ADJ Wetland</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)
c. Limits (boundaries) of jurisdiction:
   based on: []
   OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:\(^3\)
   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:
   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

(l) 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. Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADID Wetland</td>
<td>1</td>
<td>POWC and PEMC</td>
<td>FQI of 12.6, Mean C of 3.4. Moderate.</td>
<td>N/A</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>ADID Wetland</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>ADID Wetland</td>
<td>Overland sheetflow</td>
<td>Water flows across entire wetland before terminating at pipe under road, then flows down 100 yard channel and into creek.</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>ADID Wetland</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>ADID Wetland</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(d) Proximity (Relationship) to TNW:
(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>ADID Wetland</td>
<td>-</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

(iii) 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>ADID Wetland</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:
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.
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>ADID Wetland</td>
<td>PERENNIAL</td>
<td>Wetland flow was strong at the date of visit, and based on ditch it flows year-round.</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>ADID Wetland</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>4046.856</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>0</td>
<td>4046.856</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.³
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 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>-</td>
<td>-</td>
</tr>
<tr>
<td>Data sheets prepared/submitted by or on behalf of the applicant/consultant</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Office concurs with data sheets/delineation report</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Description

Site visit on November 5, 2009 to walk and assess wetland area and flow regime.

1. Boxes checked below shall be supported by completing the appropriate sections in Section III below.
2. For purposes of this form, an RPV 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.E.
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.
SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12 Nov 2009
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-0456-JD
C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: IL - Illinois
   County/parish/borough: McHenry
   City: Spring Grove
   Lat: 42 4427
   Long: -88 24149
   Universal Transverse Mercator
   Field UTM List
   UTM Grid determined by center location
   • NAD83 UTM zone 38S
   Waters UTM List
   UTM Grid determined by water location
   • NAD83 UTM zone 38S
   Name of nearest waterbody: Nippersink Creek
   Name of nearest Traditional Navigable Water (TNW): Fox River
   Name of watershed or Hydrologic Unit Code (HUC): Nippersink
   Check if map/diagram of review area and/or potential jurisdictional areas is available upon request.
   Check if other sites (e.g., offshore mitigation sites) and/or potential jurisdictional areas are associated with the action and are recorded on a different JD form.

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.
   Water(s) subject to the ebb and flow of the tide.
   Water(s) 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/Type Present
      LRC-2009-465 Pond 1: Wells and wetlands that flow directly or indirectly into TNWs
      LRC-2009-466 Pond 2: Wells and wetlands that flow directly or indirectly into TNWs
      LRC-2009-467 Pond 3: Wells and wetlands that flow directly or indirectly into TNWs
      LRC-2009-466 Pond 4: Wells and wetlands that flow directly or indirectly into TNWs
      LRC-2009-466 Pond 5: Wells and wetlands that flow directly or indirectly into TNWs

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

   c. Limits (boundary) of jurisdiction:
      Based on: 1987 Defination Manual
      CIRW Elevation: (ft above

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. TNW AND WETLANDS ADJACENT TO TNW
   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 precipitation: 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 wells are [ ] river miles from TNW
- Project wells are [ ] canal (straight) miles from TNW
- Project wells are [ ] aerial (straight) miles from TNW
- Project wells cross or serve as state boundaries.

Explain:

(b) Tributary Stream Order, if known:
- Not Applicable

(c) 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

(d) Flow:
- Not Applicable

- Surface Flow(s):
  - Not Applicable

- Subsurface Flow:
  - Not Applicable

- Tributary flow:
  - Not Applicable

If factors other than the 'On/Wetland' 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/generally 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) 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. Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-460 Pond 1</td>
<td>21.2</td>
<td>PEM</td>
<td>Despite the degraded condition of the wetland, the pond is part of a large complex of wetlands surrounding Nippersink Creek that are collectively listed as AJAD wetland NBT. AJAD NBT is listed as a Habitat High Wetland and is considered a High Quality Aquatic Resource. High quality habitat sites are considered impermeable based on the fact that the complex biological systems and functions that these sites support cannot be successfully recreated within a reasonable time frame using existing restoration or creation methods. The direct water connection between the wetland and Nippersink Creek demonstrates the ability of the tributary to carry pollutants, flood waters, nutrients and organic carbon to the TNW.</td>
<td></td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>2.78</td>
<td>PEM</td>
<td>Despite the degraded condition of the wetland, the pond is part of a large complex of wetlands surrounding Nippersink Creek that are collectively listed as AJAD wetland NBT. AJAD NBT is listed as a Habitat High Wetland and is considered a High Quality Aquatic Resource. High quality habitat sites are considered impermeable based on the fact that the complex biological systems and functions that these sites support cannot be successfully recreated within a reasonable time frame using existing restoration or creation methods. The direct water connection between the wetland and Nippersink Creek demonstrates the ability of the tributary to carry pollutants, flood waters, nutrients and organic carbon to the TNW.</td>
<td></td>
</tr>
</tbody>
</table>
Despite the degraded condition of the wetland, the pond is part of a large complex of wetlands surrounding Hiperpesk Creek that are collectively listed as AOD wetland N71. AOD N71 is listed as a Habitat High Wetland and is considered a High Quality Aquatic Resource. High quality habitat sites are considered irreplaceable based on the fact that the complex biological systems and functions that these sites support cannot be successfully recreated within a reasonable time frame using existing restoration or creation methods.

The direct water connection between the wetland/pond complex and Hiperpesk Creek demonstrates the ability of the tributary to carry pollutants, flood waters, nutrients and organic carbon to the TNW.

Despite the degraded condition of the wetland, the pond is part of a large complex of wetlands surrounding Hiperpesk Creek that are collectively listed as AOD wetland N71. AOD N71 is listed as a Habitat High Wetland and is considered a High Quality Aquatic Resource. High quality habitat sites are considered irreplaceable based on the fact that the complex biological systems and functions that these sites support cannot be successfully recreated within a reasonable time frame using existing restoration or creation methods.

The direct water connection between the wetland/pond complex and Hiperpesk Creek demonstrates the ability of the tributary to carry pollutants, flood waters, nutrients and organic carbon to the TNW.

Despite the degraded condition of the wetland, the pond is part of a large complex of wetlands surrounding Hiperpesk Creek that are collectively listed as AOD wetland N71. AOD N71 is listed as a Habitat High Wetland and is considered a High Quality Aquatic Resource. High quality habitat sites are considered irreplaceable based on the fact that the complex biological systems and functions that these sites support cannot be successfully recreated within a reasonable time frame using existing restoration or creation methods.

The direct water connection between the wetland/pond complex and Hiperpesk Creek demonstrates the ability of the tributary to carry pollutants, flood waters, nutrients and organic carbon to the TNW.

(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>LRC-2009-460 Pond 1</td>
<td>Perennial flow</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>Perennial flow</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>Perennial flow</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>Perennial flow</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>Perennial flow</td>
<td>-</td>
</tr>
</tbody>
</table>

Surface Flow:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Characteristic</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-460 Pond 1</td>
<td>Confined</td>
<td>A water control structure is located in the southeastern portion of the wetland that discharges water to Hiperpesk Creek.</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>Confined</td>
<td>A water control structure connects ponds 1 and 2. Pond 1 has a water control structure in the southeastern portion of the wetland that discharges water to Hiperpesk Creek.</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>Discrete</td>
<td>A water control structure connects ponds 1 and 3. Pond 1 has a water control structure in the southeastern portion of the wetland that discharges water to Hiperpesk Creek.</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>Confined</td>
<td>A water control structure connects ponds 1 and 4. Pond 1 has a water control structure in the southeastern portion of the wetland that discharges water to Hiperpesk Creek.</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>Confined</td>
<td>A water control structure connects ponds 1 and 5. Pond 1 has a water control structure in the southeastern portion of the wetland that discharges water to Hiperpesk Creek.</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>LRC-2009-460 Pond 1</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</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>LRC-2009-460 Pond 1</td>
<td>No</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>No</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>No</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>No</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>No</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
</tbody>
</table>

(d) Proximity Relationship to TNW:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Aerial Miles From TNW</th>
<th>Flow Direction</th>
<th>Within Floodplain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-460 Pond 1</td>
<td>2.5 2.5</td>
<td>Wetland to navigable waters</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>2.5 2.5</td>
<td>Wetland to navigable waters</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>2.5 2.5</td>
<td>Wetland to navigable waters</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>2.5 2.5</td>
<td>Wetland to navigable waters</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>2.5 2.5</td>
<td>Wetland to navigable waters</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Explain</th>
<th>Identify specific pollutants, if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-460 Pond 1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

http://w121a.usace.army.mil/orm2/?p=10634:1784647592049198::NO::
11/16/2009
LRC-2009-460 Pond 1

(ii) Biological Characteristics. Wetland supports:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Riparian Buffer</th>
<th>Vegetation</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-460 Pond 1</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>X</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/Llflfa Diversity</th>
<th>Explain Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-460 Pond 1</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>X</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):

At 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 ad hoc 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:

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.

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>LRC-2009-460 Pond 1</td>
<td>PERENNIAL</td>
<td>Nepperann Creek is a solid blue line on the USGS topographic map</td>
<td>85793.3472</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 2</td>
<td>PERENNIAL</td>
<td>Nepperann Creek is a solid blue line on the USGS topographic map</td>
<td>11164.3256</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 3</td>
<td>PERENNIAL</td>
<td>Nepperann Creek is a solid blue line on the USGS topographic map</td>
<td>6110.7256</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 4</td>
<td>PERENNIAL</td>
<td>Nepperann Creek is a solid blue line on the USGS topographic map</td>
<td>5463.2586</td>
</tr>
<tr>
<td>LRC-2009-460 Pond 5</td>
<td>PERENNIAL</td>
<td>Nepperann Creek is a solid blue line on the USGS topographic map</td>
<td>12342.9108</td>
</tr>
</tbody>
</table>

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

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

7. Impoundments of jurisdictional wetlands:
Not Applicable.

8. ISOLOGIC (INTERSTATE OR INTRA-STATE) WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS:
Not Applicable.

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

Provide estimates for jurisdictional wetlands 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 wetlands in the review area, where the sole potential basis of jurisdiction is the MBR factors (e.g., 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 wetlands 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, plates or plats submitted by or on behalf of the applicant/consultant</td>
<td>USGS Soil Survey Map</td>
<td>-</td>
</tr>
<tr>
<td>Maps, plans, plates or plats submitted by or on behalf of the applicant/consultant</td>
<td>Deleated Wetland Boundary Map</td>
<td>-</td>
</tr>
<tr>
<td>Maps, plans, plates or plats submitted by or on behalf of the applicant/consultant</td>
<td>Military AID Map</td>
<td>-</td>
</tr>
<tr>
<td>Maps, plans, plates or plats submitted by or on behalf of the applicant/consultant</td>
<td>Hydrologic Atlas</td>
<td>-</td>
</tr>
<tr>
<td>Maps, plans, plates or plats submitted by or on behalf of the applicant/consultant</td>
<td>USGS Topographic Map</td>
<td>-</td>
</tr>
</tbody>
</table>

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Not Applicable.

1. Those checked below shall be supported by completing the appropriate sections in Section II of this Form.
2. For purposes of the 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 "seasonal" (e.g., typically 3 months).
3. Supporting documentation is provided in Section II of this Form.
4. The procedures manual contains additional information regarding wetlands, ditchless wetlands, and exceptional features generally found in the wetland.
5. Flow routes can be described by identifying, e.g., tributary a, which flows into the review area, to flow into tributary b, which then flows into TNW.
6. A section on non-mandatory circumstances in OWMF does not necessarily meet jurisdiction (e.g., when the stream temporarily flows underground, or where the OWMF has been removed by development or agricultural practices). Where there is a break in the OWMF that is unrelated to the watershed's flow regime (e.g., flow over a rock subject to or through a culvert), the agencies will look for indicators of flow and assess the breaks.
7. See footnote #2.
8. See footnote #3.
9. To complete the analysis refer to the key in Section II C D of the instructional guidelines.
10. Prior to assessing or denying CWA jurisdiction based solely on the category. Corps Districts will evaluate the action in Corps CWA HQ for review consistent with the process described in the CWA/ESM Memorandum: Regarding CWA Section 10 Jurisdiction Following Receipt.

http://w121a.usace.army.mil/orm2/2p=106:34:1784645792049198::NO::

11/16/2009
SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 07-Oct-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-00404-JD2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL - Illinois
County/parish/borough: McHenry
City: Crystal Lake
Lat: 42.19222
Long: -88.33550
Universal Transverse Mercator: Folder UTM List
UTM list determined by folder location
• NAD83 / UTM zone 38S
Waters UTM List
UTM list determined by waters location
• NAD83 / UTM zone 38S

Name of nearest waterbody: Tributary to Woods Creek
Name of nearest Traditional Navigable Water (TNW): Fox River
Name of watershed or Hydrologic Unit Code (HUC): Fox River

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., off-site 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: 07-Oct-2009
Field Determination Date(s): 11-Aug-2009
28-Aug-2009

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>LRC-2009-404 Wetland 1</td>
<td>Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs</td>
</tr>
<tr>
<td>LRC-2009-404 Wetland 3</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)

https://orm.usace.army.mil/orm2/?p=106:34:2263479842468571::NO:: 10/7/2009
Linear: (m)
c. Limits (boundaries) of jurisdiction:
   O/HWM 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:

Tributary Stream Order, if known:

- Order      Tributary Name
  - LRC-2009-404 Wetland 1

(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>LRC-2009-404</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Wetland 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   The stream was modified. It is evident in a 1946 aerial photo and had been manipulated by 1981. It was further re-aligned under a previous Corps permit and shifted to the west. On-line detention was also created.

Tributary properties with respect to top of bank (estimate):
Tributary Name | Width (ft) | Depth (ft) | Side Slopes
LRC-2009-404 Wetland 1 | - | - | -

Primary tributary substrate composition:

Tributary Name | Silt | Sands | Concrete | Cobble | Gravel | Muck | Bedrock | Vegetation | Other
LRC-2009-404 Wetland 1 | X | - | - | - | - | - | - | - | -

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>LRC-2009-404 Wetland 1</td>
<td>Portions of the creek have steep slopes. Some areas have gabion baskets for bank stabilization as well as grade control to stop the creek down and prevent downcutting of the channel. With the stabilization practices in place, it appears to be relatively flat.</td>
<td>-</td>
<td>Relatively straight</td>
<td>-</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>LRC-2009-404 Wetland 1</td>
<td>Perennial flow</td>
<td>-</td>
<td>Continuous flow all year</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>LRC-2009-404 Wetland 1</td>
<td>Confined</td>
<td>-</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>LRC-2009-404 Wetland 1</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Tributary has:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Bed &amp; Banks</th>
<th>OHWM</th>
<th>Discontinuous OHWM</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-404 Wetland 1</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>LRC-2009-404 Wetland 1</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(iv) Biological Characteristics. Channel supports:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Riparian Corridor Characteristics</th>
<th>Wetland Fringe Characteristics</th>
<th>Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-404 Wetland 1</td>
<td>X</td>
<td>50-100 feet</td>
<td>Some wetland fringe along basin and some of the meandering portions</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:

<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>LRC-2009-404</td>
<td>2</td>
<td>Emergent wetland</td>
<td>FQI listed as 11 22 based on delineation report</td>
<td>-</td>
</tr>
<tr>
<td>Wetland 3</td>
<td></td>
<td></td>
<td></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>LRC-2009-404</td>
<td>Intermittent flow</td>
<td></td>
</tr>
<tr>
<td>Wetland 3</td>
<td></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>LRC-2009-404</td>
<td>Confined</td>
<td>Flows primarily after rain events</td>
</tr>
<tr>
<td>Wetland 3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subsurface flow:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Subsurface Flow</th>
<th>Explain</th>
<th>Findings</th>
<th>Dye (or other) Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-404</td>
<td>Unknown</td>
<td>-</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Wetland 3</td>
<td></td>
<td></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>LRC-2009-404</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland 3</td>
<td></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>LRC-2009-404</td>
<td>2.5</td>
<td>2.5</td>
<td>Wetland to navigable waters</td>
<td></td>
</tr>
<tr>
<td>Wetland 3</td>
<td></td>
<td></td>
<td></td>
<td></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>LRC-2009-404</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland 3</td>
<td></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-2009-404</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>wetland vegetation provides a water quality benifit as water drains from roadway towards the tributary to Woods Creek</td>
</tr>
<tr>
<td>Wetland 3</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:
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>LRC-2009-404 Wetland 1</td>
<td>PERENNIAL</td>
<td>This water includes a tributary to Woods Creek and an associated in-line detention basin constructed within the tributary. Water is present and flowing all year. Shown as a solid blue line on the 1992 USGS map.</td>
</tr>
</tbody>
</table>

Provide estimates for jurisdictional waters 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-2009-404 Wetland 1</td>
<td>Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>6070.284</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>0</td>
<td>6070.284</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2009-404 Wetland 3</td>
<td>PERENNIAL</td>
<td>Flow was observed during the August 11 site visit. Drainage swale wetland takes flow from roadside ditch and some overland flow.</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>LRC-2009-404 Wetland 3</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>809.3712</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>0</td>
<td>809.3712</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:  
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:  
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  
(Use data shall be included in case file and where checked and requested, appropriately reference below):

<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>USGS Topographic Map</td>
<td>Shows solid blue line for tributary to Woods Creek.</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>Wetland Summary Table</td>
<td>-</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>Soil Map</td>
<td>Hydric Soils shown for wetlands 1 and 3</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>NWI Wetland Map</td>
<td>PEMA identifies wetlands 1 and 3</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>Exhibit G</td>
<td>Delineated wetland boundaries on aerial photograph</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>MCHenry ADID Mapq</td>
<td>ADID L157 is identified as wetlands 1 and 3.</td>
</tr>
</tbody>
</table>

B. ADDITIONAL COMMENTS TO SUPPORT JD:  
Not Applicable.

1-Boxes checked off 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.
SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 09-Nov-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2008-0060-J02

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL - Illinois
County/parish/borough: McHenry
City: Aiden Township
Lat: 42.472
Long: -88.55002
Universal Transverse Mercator Folder UTM List
UTM list determined by folder location
- NAD83 / UTM zone 36S
Waters UTM List
UTM list determined by waters location
- NAD83 / UTM zone 36S

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

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: 09-Nov-2009
Field Determination Date(s):

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-2008-560 Area 1   Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      LRC-2008-560 Wetland 1 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      LRC-2008-560 Wetland 2 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: (m²)

Linear: (m)

c. Limits (boundaries) of Jurisdiction:
   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:
   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

(b) 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:

<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>LRC-2008-560 Area 1</td>
<td>1.21</td>
<td>Farmed</td>
<td>Actively farmed, so low quality</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td>2.82</td>
<td>Emergent</td>
<td>Low</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td>54.69</td>
<td>Emergent</td>
<td>Moderately low, but listed as high functioning on the ADID wetland map</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>LRC-2008-560 Area 1</td>
<td>Intermittent flow</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td>Intermittent flow</td>
<td>-</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td>Intermittent 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>LRC-2008-560 Area 1</td>
<td>Discrete and confined</td>
<td>Site drains to and directly abuts wetland 2. Wetland 2 abuts the tributary to Nippersink Creek</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td>Discrete and confined</td>
<td>Water flows from wetland 1 to wetland 2</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td>Discrete and confined</td>
<td>From wetland to tributary</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>
</table>

https://orm.usace.army.mil/orm2/t?p=106:34:3146982266521985::NO::

11/9/2009
(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>LRC-2008-560 Area 1</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</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>LRC-2008-560 Area 1</td>
<td>15-20</td>
<td>15-20</td>
<td>Wetland to navigable waters</td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td>15-20</td>
<td>15-20</td>
<td>Wetland to navigable waters</td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td>15-20</td>
<td>15-20</td>
<td>Wetland to navigable waters</td>
<td></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>LRC-2008-560 Area 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td></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-2008-560 Area 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td>X</td>
<td>Large wetland complex providing a corridor of varying widths</td>
<td>X</td>
<td>Emergent, scrub shrub, and open water communities</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:
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:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Flow</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC-2008-560 Area 1</td>
<td>SEASONAL</td>
<td>Positive drainage towards Wetland 2</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td>SEASONAL</td>
<td>Drains along northern periphery of ag field into wetland 1</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td>SEASONAL</td>
<td>Wetlands are directly abutting the tributary to Nippersink Creek. Nippersink Creek is tributary to the Fox River, a section 10 waterway</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>LRC-2008-560 Area 1</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>4896.69576</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 1</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>11412.13392</td>
</tr>
<tr>
<td>LRC-2008-560 Wetland 2</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>221322.55464</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>0</td>
<td>237631.38432</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:
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:
Not Applicable.

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

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


11/9/2009
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>Overall Wetland Boundary</td>
<td>Surveyed wetland boundaries</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>NRCS Soil Survey</td>
<td>-</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>USGS Quad</td>
<td>-</td>
</tr>
<tr>
<td>--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant</td>
<td>McHenry ADID Wetland map</td>
<td>-</td>
</tr>
</tbody>
</table>

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-To prior asserting or denying 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.