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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 23, 2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, Schilling Wachter Farm JD, LRC-2011-834

C. PROJECT LOCATION AND BACKGROUND INFORMATION: West of Indianapolis Boulevard and 105th Place
State: Indiana County/parish/borough: Lake City: St. John
Center coordinates of site (lat/long in degree decimal format): Lat. °N, Long. °W.
Universal Transverse Mercator: NAD 83
Name of nearest waterbody: West Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Kankakee River
Name of watershed or Hydrologic Unit Code (HUC): Kankakee (07120001)

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
Office (Desk) Determination. Date: October 23, 2012
Field Determination. Date(s): July 23, 2012

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

[ ] Waters subject to the ebb and flow of the tide.
[ ] Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.
   a. Indicate presence of waters of U.S. in review area (check all that apply): 1

   [ ] TNWs, including territorial seas
   [ ] Wetlands adjacent to TNWs
   [x] Relatively permanent waters\(^2\) (RPWs) that flow directly or indirectly into TNWs
   [ ] Non-RPWs that flow directly or indirectly into TNWs
   [ ] Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
   [ ] Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
   [ ] Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
   [ ] Impoundments of jurisdictional waters
   [ ] Isolated (interstate or intrastate) waters, including isolated wetlands

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

      Non-wetland waters: 4,645 linear feet: 5 width (ft) and/or __________ acres.
      Wetlands: __________ acres.

   c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

      Elevation of established OHWM (if known): __________.

2. Non-regulated waters/wetlands (check if applicable): 3

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

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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.
SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
   Identify TNW: Pick List.
   Summarize rationale supporting determination:

2. Wetland adjacent to TNW
   Summarize rationale supporting conclusion that wetland is “adjacent”:

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

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody^4 is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

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

   (i) General Area Conditions:
      Watershed size: Pick List
      Drainage area: Pick List
      Average annual rainfall: inches
      Average annual snowfall: inches

   (ii) Physical Characteristics:
      (a) Relationship with TNW:
         ☑ Tributary flows directly into TNW.
         ☑ Tributary flows through 2 tributaries before entering TNW.

         Project waters are 15-20 river miles from TNW.
         Project waters are 1 (or less) river miles from RPW.
         Project waters are 15-20 aerial (straight) miles from TNW.
         Project waters are 15-20 aerial (straight) miles from RPW.
         Project waters cross or serve as state boundaries. Explain:

         Identify flow route to TNW^5: South to the Kankaee River.
         Tributary stream order, if known:

      (b) General Tributary Characteristics (check all that apply):

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^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.
Tributary is:  
☐ Natural  

Tributary properties with respect to top of bank (estimate):
- Average width: 5-10 feet  
- Average depth: 2 feet  
- Average side slopes: 2:1.

Primary tributary substrate composition (check all that apply):
- ☒ Silts  
- ☒ Sands  
- ☒ Cobble  
- ☒ Gravel  
- ☒ Muck  
- Bedrock  
- ☒ Vegetation. Type/cover: .  
- Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Moderately stable.
Presence of run/riffle/pool complexes. Explain: None observed.
Tributary geometry: Relatively straight  
Tributary gradient (approximate average slope): 5 %

(c) Flow:
Tributary provides for: Seasonal flow  
Describe flow regime: Consistent throughout year.
Other information on duration and volume: .  
Surface flow is: Discrete and confined. Characteristics: .  
Subsurface flow: Unknown. Explain findings: .  
Dye (or other) test performed: .

Tributary has (check all that apply):
- ☒ Bed and banks  
- ☒ OHWM?: (check all indicators that apply):
  - ☒ clear, natural line impressed on the bank  
  - ☒ changes in the character of soil  
  - ☒ shelving  
  - ☒ vegetation matted down, bent, or absent  
  - ☒ leaf litter disturbed or washed away  
  - ☒ sediment deposition  
  - ☒ water staining  
  - ☒ other (list):  
- ☒ Discontinuous OHWM.7 Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
- ☒ High Tide Line indicated by:  
- ☒ Mean High Water Mark indicated by:
  - ☒ survey to available datum;  
  - ☒ physical markings;  
  - ☒ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: Sediment laden stormwater runoff.  
Identify specific pollutants, if known: sediment, fertilizers.

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6A 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.

7Ibid.
(iv) Biological Characteristics. Channel supports (check all that apply):
- Riparian corridor. Characteristics (type, average width): 5-10 feet.
- Wetland fringe. Characteristics.
- Habitat for:
  - Federally Listed species. Explain findings.
  - Fish/spawn areas. Explain findings.
  - Other environmentally-sensitive species. Explain findings.
  - Aquatic/wildlife diversity. Explain findings.

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

(i) Physical Characteristics:
(a) General Wetland Characteristics:
   Properties:
   - Wetland size: _______ acres
   - Wetland type. Explain: _______.
   - Wetland quality. Explain: _______.
   Project wetlands cross or serve as state boundaries. Explain: _______.

(b) General Flow Relationship with Non-TNW:
   Flow is: Pick List. Explain: _______.
   Surface flow is: Pick List
   Characteristics: _______.
   Subsurface flow: Pick List. Explain findings: _______.
   Dye (or other) test performed: _______.

(c) Wetland Adjacency Determination with Non-TNW:
   - Directly abutting
   - Not directly abutting
     - Discrete wetland hydrologic connection. Explain: _______.
     - Ecological connection. Explain: _______.
     - Separated by berm/barrier. Explain: _______.

(d) Proximity (Relationship) to TNW:
   Project wetlands are Pick List river miles from TNW.
   Project waters are Pick List aerial (straight) miles from TNW.
   Flow is from: Pick List.
   Estimate approximate location of wetland as within the Pick List floodplain.

(ii) Chemical Characteristics:
   Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: _______.
   Identify specific pollutants, if known: _______.

(iii) Biological Characteristics. Wetland supports (check all that apply):
   - Riparian buffer. Characteristics (type, average width): _______.
   - Vegetation type/percent cover. Explain: _______.
   - Habitat for:
     - Federally Listed species. Explain findings: _______.
     - Fish/spawn areas. Explain findings: _______.
     - Other environmentally-sensitive species. Explain findings: _______.
     - Aquatic/wildlife diversity. Explain findings: _______.

3. Characteristics of all wetlands adjacent to the tributary (if any)
   All wetland(s) being considered in the cumulative analysis: Pick List
   Approximately _______ acres in total are being considered in the cumulative analysis.
For each wetland, specify the following:

<table>
<thead>
<tr>
<th>Name/ID</th>
<th>Directly abuts? (Y/N)</th>
<th>Size (in acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

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

2. **RPWs that flow directly or indirectly into TNWs.**
   - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Deeply incised channel, observed flowing water there several times throughout the year, and it is a blue line stream on USGS topographic Map.
   - Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .
Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **4,645** linear feet **5** width (ft).
- Other non-wetland waters: **acres.**
- Identify type(s) of waters: **.**

3. **Non-RPWs**\(^8\) that flow directly or indirectly into TNWs.
   - Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

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

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   - Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   - Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

7. **Impoundments of jurisdictional waters.**\(^9\)
   - As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   - Demonstrate that impoundment was created from “waters of the U.S.,” or
   - Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   - Demonstrate that water is isolated with a nexus to commerce (see E below).

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 (CHECK ALL THAT APPLY):**\(^10\)
   - which are or could be used by interstate or foreign travelers for recreational or other purposes.
   - from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
   - which are or could be used for industrial purposes by industries in interstate commerce.
   - Interstate isolated waters. Explain: **.**
   - Other factors. Explain: **.**

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

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\(^8\)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.
Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: width (ft).
- Other non-wetland waters: acres.
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
- 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, if not covered above):

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 (check all that apply):

- Non-wetland waters (i.e., rivers, streams): width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

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 (check all that apply):

- Non-wetland waters (i.e., rivers, streams): width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply) - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Wetland Delineation dated December 9, 2011, prepared by Earth Source Inc.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters’ study:
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation: Pick List.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
  - or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:
SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 25-Sep-2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2012-00560-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL - Illinois
County/parish/borough: Cook
City: 
Lat: 41.59542
Long: -87.64541
Universal Transverse Mercator: Folder UTM List
UTM list determined by folder location
• NAD83 / UTM zone 16N
Waters UTM List
UTM list determined by waters location

Name of nearest waterbody:
Name of nearest Traditional Navigable Water (TNW):
Name of watershed or Hydrologic Unit Code (HUC):
☐ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with the action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:
☐ Office Determination Date: 01-Oct-2012
☐ Field Determination Date(s): 29-Aug-2012

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>Wet Ditch/Wetlands</td>
<td>Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs</td>
</tr>
<tr>
<td>Wetland C</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
</tr>
</tbody>
</table>

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

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

2. Non-regulated waters/wetlands:
   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:

<table>
<thead>
<tr>
<th>Order</th>
<th>Tributary Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>West Ditch/Wetlands</td>
</tr>
</tbody>
</table>

   (b) General Tributary Characteristics:
   Tributary is:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Natural</th>
<th>Artificial</th>
<th>Explain</th>
<th>Manipulated</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Ditch/Wetlands</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Straightened to follow road alignment.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Width (ft)</th>
<th>Depth (ft)</th>
<th>Side Slopes</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Ditch/Wetlands</td>
<td>6</td>
<td>1</td>
<td>2:1</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>West Ditch/Wetlands</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Condition/STABILITY</th>
<th>Run\Riffle\Pool Complexes</th>
<th>Geometry</th>
<th>Gradient (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Ditch/Wetlands</td>
<td>Slightly eroding banks in some locations.</td>
<td>Absent</td>
<td>Relatively straight</td>
<td>1</td>
</tr>
</tbody>
</table>

(c) Flow:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Provides for</th>
<th>Events Per Year</th>
<th>Flow Regime</th>
<th>Duration &amp; Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Ditch/Wetlands</td>
<td>Perennial flow</td>
<td>20 (or greater)</td>
<td>Year-round flow</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>West Ditch/Wetlands</td>
<td>Discrete and confined</td>
<td>Defined bed and bank</td>
</tr>
</tbody>
</table>

Subsurface Flow:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Subsurface Flow</th>
<th>Explain Findings</th>
<th>Dye (or other) Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Ditch/Wetlands</td>
<td>-</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>West Ditch/Wetlands</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>West Ditch/Wetlands</td>
<td>Water is cloudy, with sediments, grease and oils entering from roadway and surrounding land use.</td>
<td>Sediment, grease, oil.</td>
</tr>
</tbody>
</table>

(iv) Biological Characteristics. Channel supports:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Riparian Corridor</th>
<th>Characteristics</th>
<th>Wetland Fringe</th>
<th>Characteristics</th>
<th>Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Ditch/Wetlands</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Size (Acres)</th>
<th>Wetland Type</th>
<th>Wetland Quality</th>
<th>Cross or Serve as State Boundaries. Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland C</td>
<td>.24</td>
<td>Emergent</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 C</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>Wetland C</td>
<td>Overland sheetflow</td>
<td>Wetland drains water out via road culvert and into 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>
<tbody>
<tr>
<td>Wetland C</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(c) Wetland Adjacency Determination with Non-TNW:

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Directly Abutting</th>
<th>Discrete Wetland Hydrologic Connection</th>
<th>Ecological Connection</th>
<th>Separated by Berm/Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland C</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 C</td>
<td>30 (or more)</td>
<td>30 (or more)</td>
<td>Wetland to navigable waters</td>
<td>50 - 100-year</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Wetland Name</th>
<th>Explain</th>
<th>Identify specific pollutants, if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland C</td>
<td>-</td>
<td>Sediment, grease, oil.</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 C</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>West Ditch/Wetlands</td>
<td>PERENNIAL</td>
<td>Creek tributary flows year-round.</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>West Ditch/Wetlands</td>
<td>Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs</td>
<td>1371.6</td>
<td>-</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>1371.6</td>
<td>0</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>Wetland C</td>
<td>PERENNIAL</td>
<td>Creek tributary 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>Wetland C</td>
<td>Wetlands directly abutting RPWs that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>971.24544</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>0</td>
<td>971.24544</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: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)

Not Applicable.

B. ADDITIONAL COMMENTS TO SUPPORT JD:
Not Applicable.

---

1. Boxes checked below shall be supported by completing the appropriate sections in Section III below.
2. For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
3. Supporting documentation is presented in Section III F.
4. Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
5. Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
6. A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
7. ibid.
8. See Footnote #3.
9. To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
10. Prior to asserting or declining CWA jurisdiction based solely on this category. Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.
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): 30-Oct-2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-3012-00770-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IL - Illinois

County/parish/borough: Will

City: 41°58'14"N

Lat: -87°09'59"

Long: 87°09'59"

Universal Transverse Mercator

Folder UTM List

UTM list determined by folder location

± NAD83 / UTM zone 16N

Waters UTM List

UTM list determined by waters location

Name of nearest waterbody:

Name of nearest Traditional Navigable Water (TNW):

Name of watershed or Hydrologic Unit Code (HUC):

☐ Check if map/diagram of review area and/or potential jurisdictional areas 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: 30-Oct-2012

☐ 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 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: Yes

Water Name

Water Type(s) Present

Wetland-WOUS #1 Relatively Permanent Waters (RPs) that flow directly or indirectly into TNWs

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

Area: (m²)

Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on:

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

☐ General Area Conditions:

Watershed size:

Drainage area:

Average annual rainfall: inches

https://orm.usace.army.mil/orm2/?p=106:34:3213640451904811::NO::

10/30/2012
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:

<table>
<thead>
<tr>
<th>Order</th>
<th>Tributary Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>WetlandWOSU #1</td>
</tr>
</tbody>
</table>

(b) General Tributary Characteristics:
Tributary is:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Natural</th>
<th>Artificial</th>
<th>Explain</th>
<th>Manipulated</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>WetlandWOSU #1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>Straightened</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Width (ft)</th>
<th>Depth (ft)</th>
<th>Side slopes</th>
</tr>
</thead>
<tbody>
<tr>
<td>WetlandWOSU #1</td>
<td>5</td>
<td>1</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>WetlandWOSU #1</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>-</td>
</tr>
</tbody>
</table>

Vegetation Explained:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Percent Cover</th>
<th>Vegetation Explained</th>
</tr>
</thead>
<tbody>
<tr>
<td>WetlandWOSU #1</td>
<td>100</td>
<td>Emergent</td>
</tr>
</tbody>
</table>

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

<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>WetlandWOSU #1</td>
<td>Perennial flow</td>
<td>20 (or greater)</td>
<td>Year-round.</td>
<td>-</td>
</tr>
</tbody>
</table>

Surface Flow is:

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Surface Flow</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>WetlandWOSU #1</td>
<td>Discrete and confined</td>
<td>Water flows mainly in channel; floods into riparian wetland.</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>WetlandWOSU #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>WetlandWOSU #1</td>
<td>X</td>
<td>-</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 Sed</th>
<th>Destruction</th>
<th>Vegetation</th>
<th>Shelving</th>
<th>Wreck Line</th>
<th>Matted Absent Vegetation</th>
<th>Sediment Sorting</th>
<th>Leaf Litter</th>
<th>Sour</th>
<th>Sediment Deposition</th>
<th>Flow Events</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>WetlandWOSU #1</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</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:  
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>Wetland/WOUS #1</td>
<td>Water is cloudy</td>
<td>Road salt, grease, oil</td>
</tr>
</tbody>
</table>

(iv) Biological Characteristics. Channel supports:  

<table>
<thead>
<tr>
<th>Tributary Name</th>
<th>Riparian Corridor</th>
<th>Characteristics</th>
<th>Wetland Fringe</th>
<th>Characteristics</th>
<th>Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland/WOUS #1</td>
<td>X</td>
<td>20-100 feet of emergent wetland on both sides of tributary creek.</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

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

(i) Physical Characteristics: 
(a) General Wetland Characteristics:  
Properties:  
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: 
Characteristics tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).  
Not Applicable.

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

3. Characteristics of all wetlands adjacent to the tributary (if any):  
All wetlands being considered in the cumulative analysis:  
Not Applicable.

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

C. SIGNIFICANT NEXUS DETERMINATION

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

Significant Nexus: Not Applicable

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

1. TNWs and Adjacent Wetlands:  
Not Applicable.

2. RPWs that flow directly or indirectly into TNWs:  
Wetland Name | Flow | Explain |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland/WOUS #1</td>
<td>PERENNIAL</td>
<td>Flows year-round</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>Wetland/WOUS #1</td>
<td>Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs</td>
<td>-</td>
<td>16187.424</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>0</td>
<td>16187.424</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:  
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:
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 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 wetlands 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 (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 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, plots, plans, or plat submitted by or on behalf of the applicant/consultant</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Data sheets prepared/distributed by or on behalf of the applicant/consultant</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Office concord with data sheet/distribution 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 &amp; 12 digit HUC maps</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- USGS Geologic Survey maps(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>- FEMA/FIRM 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>- Other</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Applicable/supporting case law</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Not Applicable.

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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 yearround or has continuous flow at least seasonally (e.g., typical, 12 months).
3. Supporting documentation is presented in Section III.F.
4. Note that the Instructional Guidance contains additional information regarding marshes, estuaries, and wetland features generally and the Sand (Salt).
5. Floods can be described by identifying, e.g., tributary a, which flows through the review area, in flood into tributary b, which then flows into TNW.
6. A natural or man-made discontinuity in the OHM/DM does not necessarily preclude jurisdiction (e.g., where the stream temporarily flows underground, or where the OHM/DM has been rendered by development or agricultural practices), where there is a break in the OHM/DM that is unrelated to the stream's flow regime (e.g., flows over a road or through a culvert), the agency will look for evidence of flow above and below the break.
7. See Figure #9.
8. See Figure #10.
9. To complete the analysis refer to the key in Section III.D.8 of the Instructional Guidance.
10. Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will initiate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Response.