APPLICANT: TWJ Associates, Inc. PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200600358 PROJECT REVIEW COMPLETED: ☒ Office ☐ Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

☒ U. S. Fish and Wildlife Service National Wetland Inventory: MARENGO SOUTH.
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☒ Site Visit Conducted on:
☐ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): A wetland exists on the eastern portion of the subject site, and may be hydrologically connected to ADID Wetland #K1204. However, the wetland on the property does not exhibit a surface water connection to a navigable waterway, and is therefore not subject to Department of the Army Regulations.

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

Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank ☒ destruction of terrestrial vegetation
☐ the presence of litter and debris ☒ shelving
☐ changes in the character of soil ☒ other:
☐ wetland boundary

Basis for Declining Jurisdiction:

☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

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

Recommended by: ______________________ Date: 3-6-2006

Approved by: ______________________ Date: 3-7-2006

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

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river bars, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600358

REGULATORY PROJECT MANAGER: Kate Bliss Date: 3/6/2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 3/6/2006 At the project site (Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42.2313.1887, 88.318.7926
Approximate size of site/property (including uplands & in acres): 89
Name of waterway or watershed: Kishwaukee

SITE CONDITIONS:

<table>
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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
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*Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

<table>
<thead>
<tr>
<th>Migratory Bird Rule Factors</th>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
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<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<td>Is or would be used as habitat for endangered species?</td>
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<td>Is used to irrigate crops sold in interstate commerce?</td>
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</table>

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Daly Group, LLC PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: 200600209 PROJECT REVIEW COMPLETED: ☑ Office ☐ Field

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

Based on available information:
☐ There are no waters on the project site.
☒ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: SUGAR GROVE.
☒ U. S. Geological Survey Hydrologic Atlas:
☒ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☒ U. S. Geological Survey 15 Minute Historic Quadrangles:
☒ Advanced Identification Wetland Maps: KANE COUNTY
☒ Site Visit Conducted on:
☒ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Four farmed wetlands exist on the project site. These wetlands do not exhibit a surface water connection to a navigable waterway, and are therefore not subject to Department of the Army regulations.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank ☐ destruction of terrestrial vegetation
☐ the presence of litter and debris ☐ shelving
☐ changes in the character of soils ☐ other:
☐ wetland boundary

Basis for Declining Jurisdiction:
☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries
☐ This office concurs with your wetland delineation report dated , prepared by .
☒ This office does not confirm your wetland boundary.

Recommended by: ______________________ Date: 3-7-2006

Approved by: ______________________ Date: 3-8-2006

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

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRIBUT OFFICE: Chicago
FILE NUMBER: 200600209

REGULATORY PROJECT MANAGER: Jaimee Hanmit Date: 3/7/06

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 3/7/06
At the project site (Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates: 41-46-12.0261, 88-26-39.8699
Approximate size of site/property (including uplands & in acres): 38
Name of waterway or watershed: Fox

SITE CONDITIONS:

<table>
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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
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1Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
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</tbody>
</table>

1Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary □ Or Approved ☑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Leonhardt & Meyer  PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: 200600118  PROJECT REVIEW COMPLETED: ☒ Office ☐ Field

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

Based on available information:
☐ There are no waters on the project site.
☒ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: PINEGROVE GROVE.
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: __________
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: __________
☒ Aerial Photographs (Name & Date): 1988, 2001, 2004
☒ Advanced Identification Wetland Maps: KANE COUNTY
☐ Site Visit Conducted on:
  ☐ Other information: FEMA FIRM Map, NRCS Swampbuster map

Rationale for Basis (applies to any boxes checked above): Two farmed wetlands exist on the southern portion of the subject site. These wetlands do not exhibit a surface water connection to a navigable waterway and are therefore not subject to Department of the Army regulations.

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

Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank ☐ destruction of terrestrial vegetation
☐ the presence of litter and debris ☐ shelving
☐ changes in the character of soils ☐ other:
☐ wetland boundary

Basis for Declining Jurisdiction:
☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☒ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries
☐ This office concurs with your wetland delineation report dated , prepared by
☒ This office does not confirm your wetland boundary.

Recommended by: ___________________ Date: 3-7-06

Approved by: ___________________ Date: 3-8-06

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

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 20060018

REGULATORY PROJECT MANAGER: Jaimee Harnmit Date: 3/7/2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 3/7/2006
At the project site (Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates: 42-1-22.1445, 88-26-.1118
Approximate size of site/property (including uplands & in acres): 156
Name of waterway or watershed: Fox

SITE CONDITIONS:

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<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
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1Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

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<th>If Unknown Use Best Professional Judgment</th>
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<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
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1Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Cypress Developments, LLC  PROJECT LOCATION/WATERWAY: SW of New York Street and Vaughn Road in Aurora, DuPage County, Illinois / Fox River Watershed

FILE NUMBER: 200600125  PROJECT REVIEW COMPLETED:  Box Office Box Field

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

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

Basis of Jurisdictional Determination:

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

Information Reviewed

- U. S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH.
- USD Natural Resources Conservation Service Soil Survey for DuPage County.
- U. S. Geological Survey 7.5 Minute Topographic Quadrangles: ________.
- U. S. Geological Survey 15 Minute Historic Quadrangles: ________.
- Aerial Photographs (Name & Date):
- Advanced Identification Wetland Maps: ________.
- Site Visit Conducted on: March 16, 2006
- Other information: October 27, 2005 EnCap, Inc. delineation report.

Rationale for Basis (applies to any boxes checked above): Site drains to the south through a pipe and into a large regional detention basin with several inlets, but unable to determine where outlet goes to.

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

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

Basis for Declining Jurisdiction:

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

Confirmation of Wetland Boundaries

- This office concurs with your wetland delineation report dated October 27, 2005, prepared by EnCap, Inc.
- This office does not confirm your wetland boundary.

Recommended by: ___________________________ Date: __________________

Approved by: ___________________________ Date: __________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (SW7 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

2Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600125

REGULATORY PROJECT MANAGER: Mike Machalek Date: 27 March 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office y (Y/N) Date: 3-27-2006
At the project site y (Y/N) Date: 3-16-2006

PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
Approximate size of site/property (including uplands & in acres): 3 acres
Name of waterway or watershed: Waubonsie Creek

SITE CONDITIONS:

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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
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1. Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

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<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
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<tr>
<td>Yes</td>
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<td>Predicted to Occur</td>
<td>Not Expected to Occur</td>
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Is or would be used as habitat for birds protected by Migratory Bird Treaties? ☐ ☐ ☒ ☐ ☐
Is or would be used as habitat by other migratory birds that cross state lines? ☐ ☐ ☐ ☒ ☐
Is or would be used as habitat for endangered species? ☐ ☐ ☐ ☐ ☒
Is used to irrigate crops sold in interstate commerce? ☐ ☐ ☐ ☒ ☐

1. Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: DuPage County Public Works Department  PROJECT LOCATION/WATERWAY: Dunham Road south of 75th Street in Woodridge, DuPage County, Illinois / Wards Creek

FILE NUMBER: 200600075  PROJECT REVIEW COMPLETED: ☒ Office ☐ Field

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

Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☒ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: ROMEOVILLE.
☒ USDA Natural Resources Conservation Service Soil Survey for DuPage County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles: 
☒ U. S. Geological Survey 15 Minute Historic Quadrangles: 
☒ Aerial Photographs (Name & Date):
☒ Advanced Identification Wetland Maps: 
☒ Site Visit Conducted on: 16 March 2006
☒ Other information: October 17, 2005 EnCap, Inc. Wetland Delineation Report

Rationale for Basis (applies to any boxes checked above): Wetlands 1 and 3 are adjacent and contiguous to Wards Creek which runs through the property, and wetland 2 drains into the Creek through a channel along the north side of the driveway; Wards Creek drains to Sawmill Creek, which flows into the Des Plaines River. The Des Plaines River is navigable below the Hoffman Dam in Riverside, Illinois. Wetland 4 is isolated, and therefore non-jurisdictional.

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

Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in the character of soil
☒ wetland boundary
☐ destruction of terrestrial vegetation
☐ shelving
☐ other

Basis for Declining Jurisdiction:

☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☒ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

This office concurs with your wetland delineation report dated October 17, 2005, Exhibit G, prepared by EnCap, Inc.

☐ This office does not confirm your wetland boundary.

Recommended by: _____________________________ Date: _____________________________

Approved by: _____________________________ Date: _____________________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200600075  
**REGULATORY PROJECT MANAGER:** Mike Machalek  
**Date:** 30 March 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
*In the office Y (Y/N) Date: 30 March 2006*  
*At the project site Y (Y/N) Date: 16 March 2006*

**PROJECT LOCATION INFORMATION:**  
- **State:** Illinois  
- **County:** DuPage  
- **Center coordinates of site by latitude & longitudinal coordinates:** 41-44-40.2873 / 88-0-56.2467  
- **Approximate size of site/property (including uplands & in acres):** 10.7 Acres  
- **Name of waterway or watershed:** Wards Creek

**SITE CONDITIONS:**

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<th>0-1 ac</th>
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1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

**Migratory Bird Rule Factors:**

<table>
<thead>
<tr>
<th>Factor</th>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
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</thead>
<tbody>
<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
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</tbody>
</table>

2 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**  
- Preliminary ☐  
- Or Approved ☑

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: Ryan Companies  PROJECT LOCATION/WATERWAY: Parcel at the southeast corner of North Avenue and Western Avenue in Glendale Heights, DuPage County, Illinois / East Branch DuPage River

FILE NUMBER: 200501084  PROJECT REVIEW COMPLETED: Office Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

☒ U. S. Fish and Wildlife Service National Wetland Inventory: LOMBARD.
☒ USDA Natural Resources Conservation Service Soil Survey for DuPage County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☒ U. S. Geological Survey 15 Minute Historic Quadrangles:
☒ Aerial Photographs (Name & Date):
☒ Advanced Identification Wetland Maps:
☒ Site Visit Conducted on: 16 March 2006
☒ Other information: August 29, 2005 EnCap, Inc. Wetland delineation report.

Rationale for Basis (applies to any boxes checked above): The subject wetland is now drained by a pipe at it's northwest corner that runs north to North Avenue, and then goes into the storm sewer system which can not be traced.

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

Ordinary High Water Mark indicated by:

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

Basis for Declining Jurisdiction:

☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☒ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

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

Recommended by: ________________________ Date: __________

Approved by: ________________________ Date: __________

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

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

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200501084

REGULATORY PROJECT MANAGER: Mike Machalek Date: 30 March 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 30 March 2006
At the project site Y (Y/N) Date: 16 March 2006

PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
Center coordinates of site by latitude & longitudinal coordinates: 41-54-2.6539 / 88-4-17.1882
Approximate size of site/property (including uplands & in acres): 20 Acres
Name of waterway or watershed: East Branch DuPage River

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
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<th>&gt; 50 ac</th>
<th>Linear feet</th>
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1Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</th>
<th>Yes</th>
<th>No</th>
<th>Predicted to Occur</th>
<th>Not Expected to Occur</th>
<th>Not Able To Make Determination</th>
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<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<td>Is or would be used as habitat for endangered species?</td>
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<td>Is used to irrigate crops sold in interstate commerce?</td>
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</table>

1Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: Montalbano Homes

FILE NUMBER: 200500566

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

PROJECT REVIEW COMPLETED: ☑ Office ☑ Field

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

-Based on available information:
- ☑ There are no waters on the project site.
- ☑ There are non-jurisdictional waters on the project site.
- ☑ There are waters of the United States on the project site.
- ☑ There are both waters of the United States and non-jurisdictional waters on the project site.

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

Information Reviewed
- ☑ U. S. Fish and Wildlife Service National Wetland Inventory: ________.
- ☑ USDA National Resources Conservation Service Soil Survey for McHenry County.
- ☑ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
- ☑ U. S. Geological Survey 15 Minute Historic Quadrangles: ________.
- ☑ Aerial Photographs (Name & Date): 2001, 2002, 2004
- ☑ Advanced Identification Wetland Maps: MCHENRY COUNTY.
- ☑ Site Visit Conducted on: August 23, 2005, 1/5/06
- ☑ Other information: FEMA Firm Map

Rationale for Basis (applies to any boxes checked above): Wetlands 1, 2, 3, 4 and C are tributary to Lawrence Creek, which flows into the Piscasaw Creek. Piscasaw Creek drains to the Kishwaukee River, which is tributary to the Rock River, a navigable waterway under Department of the Army jurisdiction.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
Ordinary High Water Mark indicated by:
- ☑ clear, natural line impressed on the bank
- ☑ destruction of terrestrial vegetation
- ☑ the presence of litter and debris
- ☑ shelving
- ☑ changes in the character of soil
- ☑ other:
- ☑ wetland boundary

Basis for Declining Jurisdiction:
- ☑ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
- ☑ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☑ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries
- ☑ This office concurs with your wetland delineation report dated March 21, 2005 (Revised July 15, 2005 and November 25, 2005), prepared by WSI Environmental.
- ☑ This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 3/6/06
Approved by: __________________________ Date: 3/7/06

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

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200500566

REGULATORY PROJECT MANAGER: Kate Bliss Date: 3/6/06

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 8/23/06 & 1/5/06

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 4699846, 369332
Approximate size of site/property (including uplands & in acres): 175
Name of waterway or watershed: Kishwaukee

SITE CONDITIONS:

<table>
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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
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<th>10-25 ac</th>
<th>25-50 ac</th>
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<th>Linear feet</th>
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\(^1\)Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors\(^2\):

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td>☒</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td>☒</td>
</tr>
<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td>☐</td>
</tr>
<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
<td>☒</td>
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</tbody>
</table>

\(^2\)Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: Kilkenny Real Estate PROJECT LOCATION/WATERWAY: Woodstock, IL

FILE NUMBER: 20060299 PROJECT REVIEW COMPLETED: ☐ Office ☑ Field

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

Basis of Jurisdictional Determination:

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

Information Reviewed

☐ U. S. Fish and Wildlife Service National Wetland Inventory:
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: .
☐ Aerial Photographs (Name & Date): 2001, 2004
☐ Advanced Identification Wetland Maps: MCHEHRY COUNTY.
☐ Site Visit Conducted on: 1/20/06
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetlands 1, 5 and 8 are tributary to a Kishwaukee River, which flows to the Rock River, a navigable waterway under Department of the Army jurisdiction. Wetlands 2, 3, 4, 6 and 7 are considered isolated and are therefore not regulated by the Department of the Army.

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

Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank ☐ destruction of terrestrial vegetation
☐ the presence of litter and debris ☐ shelving
☐ changes in the character of soil ☐ other:
☐ wetland boundary

Basis for Declining Jurisdiction:

☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☒ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries

☒ This office concurs with your wetland delineation report dated December 15, 2005, prepared by Hey and Associates, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: ___________________________ Date: 1/27/06

Approved by: ___________________________ Date: 3/8/06

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

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600299

REGULATORY PROJECT MANAGER: Kate Bliss Date:

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 1/20/06

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-17-37.0656, 88-29-30.3719
Approximate size of site/property (including uplands & in acres): 155
Name of waterway or watershed: Kishwaukee

SITE CONDITIONS:

<table>
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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
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*Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:
If Known | If Unknown Use Best Professional Judgment
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<td>Yes</td>
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<td>Predicted to Occur</td>
<td>Not Expected to Occur</td>
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<td>Is used to irrigate crops sold in interstate commerce?</td>
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</table>

*Check appropriate boxes that best describe potential applicability of the Migratory Bird Rule to apply onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary [ ] Or Approved [X]

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: Tim Petsche  
PROJECT LOCATION/WATERWAY: Kane County / Stony Creek

FILE NUMBER: 20060205  
PROJECT REVIEW COMPLETED: Field

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

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

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

Information Reviewed
- U.S. Fish and Wildlife Service National Wetland Inventory: ELBURN.
- USDA Natural Resources Conservation Service Soil Survey for Kane County.
- U.S. Geological Survey 7.5 Minute Topographic Quadrangles:
- Aerial Photographs (Name & Date): 2002, 2004
- Advanced Identification Wetland Maps: KANE COUNTY
- Site Visit Conducted on: 1/10/2006
- Other information: FEMA FIRM map, NRCS Swampbuster map

Rationale for Basis (applies to any boxes checked above): Wetland 1 is directly contiguous with Stony Creek, which flows to Otter Creek and Ferson Creek to the Fox River, a navigable waterway. Wetland 2 does not exhibit a surface water connection to a navigable waterway and is not jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
- Ordinary High Water Mark indicated by:
  - clear, natural line impressed on the bank
  - the presence of litter and debris
  - changes in the character of soils
  - wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

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

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

Recommended by: ___________________________  Date: 3-13-2006
Approved by: ___________________________  Date: 3-14-2006

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
²Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600205

REGULATORY PROJECT MANAGER: Jaimee Hammit Date: 3/13/2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 1/10/2006

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Approximate size of site/property (including uplands & in acres): 15
Name of waterway or watershed: Fox

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
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<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
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1Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
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<tr>
<td>Use Best Professional Judgment</td>
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<th>Yes</th>
<th>No</th>
<th>Predicted to Occur</th>
<th>Not Expected to Occur</th>
<th>Not Able To Make Determination</th>
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1Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: Fox Development
PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200600155

PROJECT REVIEW COMPLETED: X Field

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

Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☒ There are both waters of the United States and non-jurisdictional waters on the project site.

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: RICHMOND.
☒ USDA National Resources Conservation Service Soil Survey for McHenry County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☒ Site Visit Conducted on: 1-10-06
☒ Other information: NRCS Swampbuster map, FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Wetland 1 is an unnamed tributary to Nippersink Creek, which drains to the Fox River, a navigable waterway. Wetland 2 is a pond adjacent to the tributary in Wetland 1, and also has a pipe connecting it to the tributary. Wetland 3 is an isolated excavated pond.

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

Ordinary High Water Mark indicated by:
☒ clear, natural line impressed on the bank ☐ destruction of terrestrial vegetation
☐ the presence of litter and debris ☒ shelving
☐ changes in the character of soil ☒ other:
☒ wetland boundary

Basis for Declining Jurisdiction:
☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☒ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries
☒ This office concurs with your wetland delineation report dated November 2, 2005, prepared by ENCAP, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 3-22-06

Approved by: __________________________ Date: 3-22-06

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

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

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600155

REGULATORY PROJECT MANAGER: Kate Bliss Date: 3/8/2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 1/10/2006

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-26-15.8486, 88-20-32.0628
Approximate size of site/property (including uplands & in acres): 40.58
Name of waterway or watershed: Fox / Nippersink

SITE CONDITIONS:

<table>
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<tr>
<th>Type of aquatic resource¹</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
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¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:

<table>
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<tr>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
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<tbody>
<tr>
<td>Yes</td>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
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<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
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</tbody>
</table>

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary □ Or Approved ◼

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: PROLOGIS

PROJECT LOCATION/WATERWAY: Wetland sites 55 and 59 within a proposed industrial complex on 800-acre parcel of former Joliet Arsenal at Rt 53 and Arsenal Road in Willmington, Florence TWP, Will County, IL in the Forked Creek watershed to the Des Plaines River.

FILE NUMBER: 200500823

PROJECT REVIEW COMPLETED: [ ] Office [ ] Field

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

Based on available information:
[ ] There are no waters on the project site.
[ ] There are non-jurisdictional waters on the project site.
[ ] There are waters of the United States on the project site.
[ ] There are both waters of the United States and non-jurisdictional waters on the project site.

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

Section 10 waterway.

Information Reviewed
[ ] U. S. Fish and Wildlife Service National Wetland Inventory: SYMENTON.
[ ] USDA Natural Resources Conservation Service Soil Survey for Will County.
[ ] U. S. Geological Survey 7.5-Minute Historic Quadrangles: _________.
[ ] Aerials (Name & Date): Color aerial photograph taken September 30, 2004, titled Exhibit G-3
[ ] Advanced Identification Wetland Maps: _________.
[ ] Site Visit Conducted on: 11 August 2005
[ ] Other information:

Rationale for Basis (applies to any boxes checked above): Wetland sites 55 and 59 are isolated wetlands in the watershed of the Forked Creek tributary to the Des Plaines River.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
Ordinary High Water Mark indicated by:
[ ] clear, natural line impressed on the bank
[ ] the presence of litter and debris
[ ] changes in the character of soil
[ ] wetland boundary
[ ] destruction of terrestrial vegetation
[ ] shelving
[ ] other:

Basis for Declining Jurisdiction:
[ ] Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
[ ] Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
[ ] Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

[ ] Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries
[ ] This office concurs with your wetland delineation report dated , prepared by .
[ ] This office does not confirm your wetland boundary

Recommended by: ____________________________ Date: ________________

Approved by: ____________________________ Date: 29 MAR 05

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

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

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200500823

REGULATORY PROJECT MANAGER: Ron Abrant Date: 28 MARCH 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (YN) Date: 11 AUG 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: 41-20-21/88-06-01
Approximate size of site/property (including uplands & in acres): 800
Name of waterway or watershed: Forked Creek/DesPlaines River

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
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<tbody>
<tr>
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<td>River</td>
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<td>Prairie pothole</td>
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<td>Wet meadow</td>
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<td>Vernal pool</td>
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<td>Natural pond</td>
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</table>

1. Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Best Professional Judgment</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Is or would be used as habitat for birds protected by Migratory Bird Treaties? (YN)
Is or would be used as habitat by other migratory birds that cross state lines? (YN)
Is or would be used as habitat for endangered species? (YN)
Is used to irrigate crops sold in interstate commerce? (YN)

1. Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):