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

APPLICANT: Summerville Custom Homes  
PROJECT LOCATION/WATERWAY: 72-acre Parcel at Proctor and Varner Road along West Fork East Branch of Hickory Creek, Green Garden Township, Will County, IL (Sec 3 T34N R1E)

FILE NUMBER: 20040056  
PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (ID) (For Site: regulated under 33 CFR 320-329). An approved ID is an applicable section. (33 CFR 231.2)

Based on available information:

☐ There are no wetlands on the project site.
☐ There are no wetlands in the United States 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 wetlands 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 (e.g., navigable waters of the U.S. (33 CFR 328.3(a)(3))
☐ The presence of intermittent or temporary waters (including intermittent wetlands) (33 CFR 328.3 (e)(2))
☐ The presence of tributary or an intermittent water or other water of the U.S. (33 CFR 328.3 (a)(5))
☐ The presence of wetlands adjacent (boundaries, configuration, or neighboring) to intermittent or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
☐ The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, allogenic prairie potholes, wet meadows, playa lakes, or natural ponds)
☐ Other: Section 10 waterway.

Information Reviewed:

☒ U. S. Fish and Wildlife Service National Wetland Inventory: FRANKFORT.
☒ USDA Natural Resources Conservation Service Soil Survey for Will County.
☒ U. S. Geological Survey 7.5-Minute Historic Quadrangles:
☒ U. S. Geological Survey 15-Minute Historic Quadrangles:
☒ Aerials (Name & Date):
☒ Advanced Identification Wetland Maps:
☒ Site Visit Conducted on: 26 MARCH 2004
☒ Other information: Wetland Delineation report prepared by JFRee.

Rationale for Basis (applies to any boxes checked above): The intermittent channel of the West Fork East Branch of Hickory Creek and its adjacent wetland (Area A) are tributary to the Des Plaines River. Wetland areas B and C are isolated wetlands and are non-jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328.2 and 329):

☐ Ordinary High Water Mark indicated by:
☒ creek, natural line impressed on the bank
☒ changes in the character of soil
☒ destruction of terrestrial vegetation
☒ wetland boundary
☒ other: inundation tributary of Hickory Creek

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(h)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migration Bird Rule criteria
☒ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migration 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 covele concurs with your wetland delineation report dated July 9, 2003, with the inclusion of the intermittent channel of the West Fork East Branch of Hickory Creek, prepared by J.F. Now.
☐ The office does not confirm your wetland boundary

Recommended by: 

Date: 1 July 2007

Approved by: 

Date: 1 July 2007

*Wetlands are identified and delimited using the methods and criteria established in the Corps Wetland Delineation Manual (87th Edition) (i.e., dominance of hydrophytic vegetation, hydrologic soils, and aquatic hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (87th Edition).*
### INFORMATION SHEET

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

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200400456

**REGULATORY PROJECT MANAGER:** Ron Atkinson  
**Date:** July 1, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office  
**(YN) Date:** (YN) Date: March 24, 2004

**PROJECT LOCATION INFORMATION:**  
- **State:** Illinois  
- **County:** Will  
- **Center coordinates of site by latitude & longitudinal coordinates:** 87.49.52/41.27.52  
- **Approximate size of site/property (including uplands & in acres):** 72

**SITE CONDITIONS:**

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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 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.

### Migratory Bird Rule Form 1

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

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

### TYPE OF DETERMINATION:

- Preliminary [ ] Or Approved [x]

### OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD

*optional paragraphs 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.

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7 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river forms, beach zones, and the like are also afforded.
Approved Jurisdictional Determination (ID)

For Sites regulated under 33 CFR 320-330, an approved ID is an appealable action (33 CFR 351.12).

Based on available information:
- There are no waters on the project site.
- There are no 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, 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 328.5(a)(1))
- The presence of intermittent waters (including intermittent wetlands)(33 CFR 328.3(a)(2))
- The presence of a tributary to an intermittent water or other water of the US (33 CFR 328.3(a)(5))
- The presence of wetlands adjacent to bordering, contiguous, or neighboring intermittent or other water 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., intermittent lakes, rivers, streams (including intermittent streams), medall, sandbars, wetlands, sloughs, prairie potholes, wet meadows, plays lakes, or tidal pools)
- Other:
  - Section 10 waterway.

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory: ELWOOD.
- USDA Natural Resources Conservation Service Soil Survey for Will County.
- U.S. Geological Survey 7.5-Minute Historic Quadrangles:
- U.S. Geological Survey 15-Minute Historic Quadrangles:
- All wetlands were identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (77 MDP) and U.S. Army Corps of Engineers, Chicago District.
- Site Visit Conducted on: June 14, 2004
- Other information:

Rationale for Basis (applicable to any boxes checked above) Farned Wetland 1 is isolated and therefore not jurisdictional. Wetlands 2-4 are isolated and also not jurisdictional. However, Wetland 5 is hydrologically connected to Sugar Run. Sugar Run drains into the Des Plaines River, a navigable "waters of the United States".

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 detritus
  - changes in the character of soil
- Destruction of terminal vegetation:
- Shrubs:
- 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 likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.5(a)(3) [Attach copy of HQ rationale]

Confirmation of Wetland Boundary:
- This office concedes with your wetland delineation report dated June 25, 2003, prepared by Cowley and Dunsmoor, Ltd.
- This office does not confirm your wetland boundary

Recommended by: __________ S __________ Date: __________

Approved by: __________ S __________ Date: __________

*Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (77 MDP) and U.S. Army Corps of Engineers, Chicago District. Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
# INFORMATION SHEET

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NONNAVIGABLE, 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:** 200400490  
**REGULATORY PROJECT MANAGER:** Melysee Cruz  
**Date:** July 1, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date:  
**PROJECT LOCATION INFORMATION:**  
- **State:**  
- **County:**  
- **Center coordinate of site by latitude & longitudinal coordinates:** 41.29.10.9470  
- **Approximate size of site/property (including uplands & in acres):** 55.3.24.1495  
- **Name of waterway or watershed:** Des Plaines

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<th>0-1 ac</th>
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*Check appropriate box for wetland, non-navigable, non-jurisdictional aquatic resource areas.

## Migratory Bird Rule Factors:

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<th>If Known</th>
<th>If Unknown</th>
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<tr>
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<td>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</td>
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<td>Is or would be used as habitat by other migratory birds that are state listed?</td>
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<td>Is or would be used as habitat for endangered species?</td>
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<td>Is used in irrigate crop and is 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 entire, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

## TYPE OF DETERMINATION:

- Preliminary □  
- Or Approved ☑

## OPTIONAL ADDITIONAL INFORMATION SUPPORTING NO (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NOO, including information reviewed to assess potential navigation of 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: Tyone and Bill Architects
PROJECT LOCATION/WATERWAY: 884 Denechez Drive and 1545 Williams Court in Crest, Will County, Illinois
FILE NUMBER: 2004040592
PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD) (For Site 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, accommodate, or finance commerce, including all waters which are subject in thephis and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of intermittent waters (including intermittent wetlands), (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an intermittent water or other water of the U.S. (33 CFR 328.3(a)(5))
☐ The presence of wetlands adjacent (i.e., bordering, contiguous, or neighboring) to intermittent or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., intermittent lakes, sloughs, intermittent streams, marshes, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:
☐ Section 10 wetway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory. DYEER.
☐ USDA Natural Resources Conservation Service Soil survey for Will County.
☐ U.S. Geological Survey 7.5-Minute Historical Quadrangles.
☐ Arials (Name & Date) Crest, 2003
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted: June 26, 2004
☐ Other Information:

Rationale for Basis applied to all boxes checked above: There are no jurisdictional areas located on the subject property.

Lateral Extent of Jurisdiction (33 CFR 328 and 339):
☐ 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
☐ shearing
☐ 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 to 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
☐ This office does not confirm your wetland boundary

Recommended by: ________________________________ ORIGINAL SIGNED ________________________________ Date: _______ 1/10/04

Approved by: ________________________________ Date: 1/10/04

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (F. Marzolf) i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology. Processes for determining wetlands on agricultural lands may vary since methods described in the Corps Wetland Delineation Manual (1987)
2 Wetlands separated from other waters of the U.S. by man-made dikes, berms, natural river banks, or ditches, 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:** 200400582  
**REGULATORY PROJECT MANAGER:**  
**DATE:** June 30, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date: Y (Y/N) Date: June 24, 2004  
**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41.77.35.1977  
**Approximate size of site/property (including uplands & in acres):** 87.78.227  
**Name of waterway or watershed:** Des Plaines  

## SITE CONDITIONS:

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<th>0-1 ac</th>
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<td>Vernal pool</td>
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</table>

*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>
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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 Treaty?</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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<tr>
<td>Is used to irrigate crops in interstate commerce?</td>
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</tbody>
</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; paragraph 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connection; and paragraph 4 – site information on waters of the U.S. occurring onsite):**
APPLICANT: Forever Construction PROJECT LOCATION/WATERWAY: 68 Acre Property South of the Intersection 34th St and Goodale Ave in the Village of Beach Park, Lake County, Illinois (Section 28, T46N, R4E).

PH#: NUMBER: 20050273 PROJECT REVIEW COMPLETED: [ ] Offer Granted
Approved Jurisdictional Determination (FD) (For sites regulated under 33 CFR 320-330). An approved JD is inapplicable action. (33 CFR 351.2)

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 intermittent 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)(3))
[ ] The presence of wetlands adjacent (e.g., buffer, upland, adjacent 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 wetland (e.g., meadows, lakes, rivers, streams (including intermittent streams), swamps, marshes, fens, prairie potholes, wet meadows, prairie lakes, or natural ponds).
[ ] Other: Section 10 waterway.

Information Reviewed:
[ ] U.S. Fish and Wildlife Service National Wetland Inventory: __________
[ ] USDA Natural Resources Conservation Service Soil Survey for Lake County.
[ ] U.S. Geological Survey 15 Minute Topographic Quadrangles: __________
[ ] Aerials (Name & Date): Lake County 2006 6 inch
[ ] Advanced Identification Wetland Map: __________
[ ] Site Visit Conducted on: 23 June 2006
[ ] Other information.

Relevant for Basis (apply to any boxes checked above): Wetland 1 is identified on the wetland delineation prepared by DK Environmental Services, Inc drawn under a driveway to the southwest into a drainage ditch and into Bull Creek, a tributary to Lake Michigan. Wetlands 2 and 3 do not appear to exhibit a hydrologic surface connection to navigable waters.

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

Headquarters is declining 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 noted
[ ] This office does not confirm your wetland boundary

Recommiended by: ________ ORIGINAL SIGNED______ Date: 30 Jun 04

Approved by: ___________________________ Date: __________

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

1 Wetlands separated from other waters of the U.S. by man-made dikes or causeways, natural river bars, beach dunes, and the like are also jurisdiction.
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 CONCROSS COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600773

REGULATORY PROJECT MANAGER: Steve Claggin
Date: 28 June 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 23 June 2004
At the project site (Y/N)

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Coordinates of site by latitude & longitudinal coordinates: 42° 26' - 42° 30' 58" W; 87° 30' - 87° 35' 58" W
Approximate size of site/property (including uplands & in acres): 6.8
Name of waterway or watershed: Lake Michigan

SITE CONDITIONS:

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<tr>
<th>Type of aquatic resource</th>
<th>0-5 ac</th>
<th>1-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 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:

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<th>If Known</th>
<th>If Unknown</th>
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<tr>
<td>Yes</td>
<td>No</td>
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</table>

If or would be used as habitat for birds protected by Migratory Bird Treaty?

If or would be used as habitat by other migratory birds that cross state lines?

If or would be used as habitat for endangered species?

Is used to propagate crops sold in interstate commerce?

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

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☑

OPTIONAL, ADDITIONAL INFORMATION SUPPORTING NJD (i.e., 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 adjacent):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Cambridge Homes PROJECT LOCATION/WATERWAY: Fox River Watershed
FILE NUMBER: 200400069 PROJECT REVIEW COMPLETED: 0 Office Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 328-530). An approved JD is an appealable action (33 CFR 301.2).

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)(13))
☐ The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3(a)(20))
☐ The presence of a tributary to an intermittent water or other water of the US (33 CFR 328.3(a)(5))
☐ The presence of wetlands adjacent to (bordering, contiguous, or bordering or adjacent to) intermittent 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, sandbars, 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: AURORA NORTH.
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ Aerial Photographs (Name & Date): Digit/UR 2002
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on:
☐ Other information: Wetland Delineation Report Submitted on April 30, 2004 by Christopher S. Burke Engineering, LTD.

Rationale for Basis (applies to any boxes checked above): Wetlands 1-6 do not have a current or demonstrable historic surface water connection to a navigable waterway of the United States. Therefore, Wetlands 1-6 do not fall under the jurisdiction of the U.S. Army Corps of Engineers

Lateral Extent of Jurisdiction (33 CFR 328.30 and 329):
☐ Ordinary High Water Mark indicated by:
☐ Clear, natural line impressed on the bank
☐ The presence of litter and debris
☐ Shoreline
☐ Changes the character of soils
☐ Destruction of terrestrial vegetation
☐ Wobel boundary
☐ 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 likely to 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.

Date: 6/28/04

Approved by: ____________________ Date: ____________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (F7 Manual) (i.e. occurrence of hydrophytic vegetation, hydrologic soil and wetland hydrology). Processes for delineating 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 considered.
**Determination 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  
**Tile Number:** 20040059

**Regular Project Manager:** Jaime Hammi  
**Date:** June 24, 2004

**Project Review/Determination Completed:**
- In the office: Y (Y/N)  
- At the project site: Y (Y/N)

**Project Location Information:**
- State: Illinois  
- County: Kane  
- Center coordinates of site by latitude & longitudinal coordinates: 88°16'51.7730' N 41°41'58.4028' W  
- Approximate size of site/property (including uplands) & in acres: Fox River Watershed

**Site Conditions:**

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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-2 ac</th>
<th>2-10 ac</th>
<th>5-10 ac</th>
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<th>&gt;50 ac</th>
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</table>

*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</th>
<th>Due Date</th>
<th>Professional Judgment</th>
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- Is or would be used as habitat for birds by migratory birds not listed in state lists?  
- Is or would be used as habitat by either migratory birds not listed in state lists?  
- Is or would be used as habitat by endangered species?  
- Is used to irrigate crops and is in interstate commerce?  
- Is used to irrigate crops and is in interstate commerce?  

*Check appropriate boxes that describe potential for applicability of the Migratory Bird Rule to site, 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—the information on waters of the U.S. occurring onsite):**
APPLICANT: Mr. John T. Wimmerman  PROJECT LOCATION/WATERWAY: Fox River Watershed

FILE NUMBER: 200000187  PROJECT REVIEW COMPLETED: Office of Field

Approved Jurisdictional Determination (JID) (For sites regulated under 33 CFR 328.336). An approved JID is an acceptable action (33 CFR 328.317).

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 commercial 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 intermittent waters (including intermittent wetlands). (33 CFR 328.3(a)(2))
☒ The presence of a tributary to an intermittent water or other water of the US (33 CFR 328.3 (a)(5))
☒ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent 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 (i.e. intermittent 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. GENEVA.
☒ USDI Natural Resources Conservation Service Soil Survey for Knox County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles:  
☒ U. S. Geological Survey 15 Minute Historic Quadrangles:  
☒ Aerial Photograph (Name & Date): Digital 2001 and 2002
☒ Advanced Identification Wetland Maps:
☒ Site Visit Conducted on: June 9, 2004 by Megan Konar

Rationale for Basis (辽宁 to any boxes checked above) Wetland 1 and Wetland 2 do not have a current or demonstrable nexus; surface water connection to a navigable waterway of the United States. Therefore, Wetland 1 and Wetland 2 are isolated and not under the jurisdiction of the U.S. Army Corps of Engineers.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water Mark indicating by:  
☐ clear, natural line impressed in the bank  
☐ the presence of litter and debris  
☐ changes in the character of soils  
☐ destruction of vegetation  
☐ sieving  
☐ 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)(6) 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 to 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 reclassifies your wetland delineation report dated , prepared by  
☐ This office does not confirm your wetland boundary.

Recommended by:  
☐ Date:  

☑ Approved by:  
☐ Date:  

d
d

*Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (ST MATCH) (i.e., occurrences of Hydrophytic vegetation, aquatic soils, and wetland hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (87).

1 Wetlands separated from other waters of the U.S. by non-navigable 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:** 200406187

**REGULATORY PROJECT MANAGER:** James Harmer  
**Date:** June 23, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
**In the office:** Y (Y/N)  
**At the project site:** Y (Y/N)  
**Date:** June 23, 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Kane  
**Latitude:** 41-56-39.988, Longitude: 88-20-35.0479  
**Approximate size of site/property (including uplands & in acres):** 100  
**Name of waterway/watershed:** Fox River Watershed

**SITE CONDITIONS:**

<table>
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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 ac</th>
<th>5-10 ac</th>
<th>10-15 ac</th>
<th>25-50 ac</th>
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<td>Prairie potholes</td>
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</tbody>
</table>

*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 Factoring:**

| If Known |
|----------|----------|----------|----------|
| No       | Yes      | Partial |
| Predicted to Occur | Not Expected to Occur | Not Able To Make |

| If Unknown |
|-----------|----------|----------|
| No        | Yes      | Partial |
| Predicted to Occur | Not Expected to Occur | Not Able To Make |

*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 areas.*

**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 connection; and paragraph 4 – site information on waters of the U.S. occurring onsite):**
APPLICANT: Clarke Real Estate  
PROJECT LOCATION/WATERWAY: Northeast of the Intersection of Duolder Road and Harbor Drive in Monee, Will County, Illinois  
FILE NUMBER: 2004000139  
PROJECT REVIEW COMPLETED:  
Office Field

Approved Jurisdictional Determination (JUD) (For Sites registered under 33 CFR 320-330). An approved JUD is an appealable action. (25 CFR 252.2)

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 tributary soils to an interstate water or other water of the US (33 CFR 328.3(a)(5))
☐ The presence of wetlands adjacent (i.e., bounding, 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., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, plays lakes, or natural ponds).  
☐ Other:  
Section 10 waterway.

Information Reviewed:
☐ U. S. Fish and Wildlife Service National Wetland Inventory: FRANKFORT.
☐ USDA Natural Resources Conservation Service Soil Survey for Will County.
☐ U. S. Geological Survey 15-Minute Historic Quadrangles:  
☐ Aerials (Name & Date - Mouse, 2002)
☐ Advanced Identification Wetland Map:  
☐ Site Visit Conducted on: May 4, 2004  
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetland A and Wetland B are isolated and therefore not jurisdictional. Wetland C is adjacent to Forked Creek. Wetland D and Wetland E are hydrologically connected to Forked Creek. Forked Creek flows into the Kankakee River, a navigable “waters of the United States”.

Lateral Extent of Jurisdiction (33 CFR 328.3 and 328.9):  
Ordinary High Water Mark indicated by:
☐ clear, natural lines impressed on the bank  
☐ the presence of litter and debris  
☐ changes in the character of soil  
☐ destruction of perennial vegetation  
☐ 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 likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(1) (attach copy of HQ rationale)

Confirmation of Wetland Boundaries:
☐ This office concurs with your wetland delineation report dated September 17, 2003, prepared by JF New.  
☐ This office does not confirm your wetland boundary

Recommended by:  
Approved by:  
☐ S  
☐ JF New  
☐ Date: 23 Jan 2004  
☐ Date: 20 Feb 2004

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (97 Manual) G2; occurrence of hydroperiodic vegetation, hydrologic soils and wetland hydrology. Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (97).  
2Wetlands redefined from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
DISTRIBUTION 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: 20040013

REGULATORY PROJECT MANAGER: Melvyn Cruz
Date: June 23, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 
As the project site (Y/N) Date: June 23, 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: Lat 41-26-68.3002
Long 87-46-36.1360
Approximate size of site/property (including uplands & in access):
Name of waterway or watershed:
Kiskaree River

SITE CONDITIONS:

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<tr>
<th>Type of aquatic resource</th>
<th>0-5 ac</th>
<th>1-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
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<th>&gt; 50 ac</th>
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<td>Dry Wash</td>
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</table>

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

Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th></th>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Predicted to Occur</td>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</td>
<td>□</td>
<td>□</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>
<td>□</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td>□</td>
<td>□</td>
<td>□</td>
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<tr>
<td>Is used to mitigate crop and/or interstate commerce?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</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):
APPLICANT: 200400730 PROJECT LOCATION/WATERWAY: 13144 Perkins Road, Woodstock, Illinois

FILE NUMBER: 200400730 PROJECT REVIEW COMPLETED: OFFICE FINAL

Approved Jurisdictional Determination (JID)To sites regulated under 33 CFR 326-330. An approved JID is an appelable action. (33 CFR 331.2). An approved JID is an appelable action. (33 CFR 331.2).

Based on available information:

- There are no waters on the property.
- There are no jurisdictional waters on the property.
- 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 Determinations:

- 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 navigable wellsheets) (33 CFR 326.3(a)(2)).
- The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3(a)(5)).
- The presence of wetlands adjacent to the tributary or other waters of the United States, 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 wetlands), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other
- Section 10 waterway.

Information Reviewed:

- U.S. Fish and Wildlife Service National Wetland Inventory:
- U.S. Geological Survey Hydrologic Atlas:
- USDA Natural Resources Conservation Service Soil Survey for McHenry County.
- U.S. Geological Survey 7.5 Minute Quadrangles:
- Aerial Photographs (Name & Date): 2002.
- Advanced Identification Wetland Maps: MCHENRY COUNTY.
- Site Visit Conducted on: June 10, 2004
- Other

Rationale for Basis (apply to any boxes checked above): Apple Creek, two adjacent wetlands to Apple Creek and a tributary to Apple Creek are located on the subject property. Apple Creek flows west into the Kishawauke River, which is tributary to the Rock River, a navigable waterway under Department of the Army jurisdiction. The enclosed wetland areas along the southwest portion of the subject property are significant to navigation. The included wetland areas along the southwest portion of the subject property are significant to navigation.

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 blow and debris
  - changes in the character of soil
  - wetland boundary
  - destruction of terrestrial vegetation
  - other

Basis for Declining Jurisdiction:

- Unable to confirm the presence of waters listed in 33 CFR 326.3(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 declared 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 (date, preparer)
- This office does not confirm your wetland boundary

Recommended by:

- Date: 6/24/04

Approved by:

- Date: 6/24/04

1 Wetlands are identified and delineated using the methods and criteria established in the Corps' Wetland Delineation Manual (7th ed.), i.e., reconnaissance of hydrophytic vegetation, hydrological soils and wetland hydrology. Procedures for determining wetlands on agricultural lands vary from methods described in the Corps Wetland Delineation Manual (7th ed.), with state procedures, if applicable.

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river bends, beach dunes, and the like are not adjacent.
Determination 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: 206400750

Regulatory Project Manager: Kate Bliss
Date: 6/24/04

Project Review/Determination Completed: In the office
(Y/N) Date: 6/24/04

Project Location Information:

State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42°16'35.5"N, 88°26'10.61"W
Approximate size of site/property (including uplands & in acres): 140
Name of waterway or watershed: Milwaukee

Site Conditions:

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<th>1-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
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<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.

Migratory Bird Risk Factors:

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

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

Type of Determination:

Preliminary ☐ Or Approved ☒

Optional Additional Information Supporting N JD (e.g. paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine N JD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring on site).
APPLICANT: MAC Development  PROJECT LOCATION/WATERWAY: Fox River Watershed  
FILE NUMBER: 200400648 PROJECT REVIEW COMPLETED: 0 Office 2/Field  

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 328-331). An approved JD is an appealable action (33 CFR 321.2). 

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 intrastate wetlands) (33 CFR 328.3 (a)(2)).  
☐ The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3(a)(5)).  
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the US, except for those wetlands adjacent to other wetlands (33 CFR 328.3 (a)(7)).  
☐ The presence of isolated water (e.g., intrastate lakes, rivers, streams including intermittent streams), marshes, swamps, wetlands, ditches, prairie potholes, wet meadows, playas lakes, or natural ponds.  
☐ Other:  
☐ Section 10 wetway. 

Informing Reviewed:  
☐ U. S. Fish and Wildlife Service National Wetland Inventory: ELGIN.  
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County.  
☐ U. S. Geological Survey 7.5 Minute Historical Quadrangle:  
☐ Air Photo USDA 2002  
☐ Advanced Identification Wetland Map.  
☐ Site Visit Conducted: on June 2, 2004 by: James Hamilton 
DISTRICJ OFFICE: Chicago
FILE NUMBER: 26606688

REGULATORY PROJECT MANAGER: Jaimee Harrel Date: June 8, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: June 8, 2004
At the project site Y (Y/N) Date: June 3, 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates: 42.0343488, Longitude: 88-
Approximate size of site/property (including uplands & in acres): 5
Name of waterway or watershed: Fox

SITE CONDITIONS:

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<th>1-4 ac</th>
<th>5-10 ac</th>
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</tbody>
</table>

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

Migratory Bird Rule Factors:
If Known
If Unknown Use Best Professional Judgment
Yes No
No Known to Occur
Not Reported in
Occurrence
Not Able To Make
Determination

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 navigate crops and/or interstate commerce?

Is used to navigate waterways and/or 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 areas.

TYPE OF DETERMINATION:
Preliminary □ Or Approved ☑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 3-3 - rationale used to determine NJD, including information reviewed in assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):
APPLICANT: Midland Sullivan LLC  PROJECT LOCATION/WATERWAY: Fox River Watershed
FILE NUMBER: 20060699  PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-329). An approved JD is an appealable action. (33 CFR 322.2)
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.

1. 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 moisture 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 322.2(a)(1))
☐ The presence of intersex waters (including intermittent wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a statutory non-navigable water or other water of the US (33 CFR 322.2 (a)(2))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intersex or other waters of the US, except for those wetlands adjacent to only intermittent waters (33 CFR 328.3 (a)(7))
☐ The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandflats, 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: AURORA NORTH.  
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☐ U. S. Geological Survey 7.5 Minute HiRes Quadrangle:
☐ U. S. Geological Survey 15 Minute HiRes Quadrangle:
☐ Aerial Photographs (Name & Date): Elgin 2002
☐ Additional Identification: Wetland Maps
☐ Site Visit Conducted on:
☐ Title of Information: Wetland Identification Report Submitted by V2 Consultants on May 10, 2004

Rationale for Basis (Applies to any boxes checked above): The wetland on site, totaling approximately 0.07 acres, does not have a current or demonstrable historic surface water connection to a navigable waterway of the U.S. Therefore, the wetland does not fall under the jurisdiction of the U.S. Army Corps.

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:

Rationale 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)(6) 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 to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headwaters declined to appear 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  , 2011, prepared by
☐ This office does not confirm your wetland boundary.

Recommended by: ____________________________ Date: 1/23/11

Approved by: ____________________________ Date: 5/27/11

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (IT Manual) (e.g., occurrence of hydrophytic vegetation, hydrology with wetland hydrology). Processes for determining wetland on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1997).
2Wetlands separated from other waters of the U.S. by non-natural silts or barriers, natural river bases, wash VOI, and the like are also adjacent.


**Determination of No Jurisdiction for Isolated, Non-Navigable, Intra-State Waters Resulting from U.S. Supreme Court Decision in M错rch Water Agency of Northern Cook County v. U.S. Army Corps of Engineers**

**District Office:** Chicago  
**File Number:** 206-00009

**Regulatory Project Manager:** Jaime Humit  
**Date:** June 15, 2004

**Project Review/Determination Completed:** In the office Y (Y/N)  
At the project site N (Y/N)  
**Date:** June 15, 2004

**Project Location Information:**  
**State:**  
**County:**  
**Center coordinates of site by latitude & longitudinal coordinates:** BB: 14-6.4079  
**Approximate size of site (acres or in feet):**  
**Name of waterway or watershed:** Fox River Watershed

**Site Conditions:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-5 ac</th>
<th>1-5 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>
<td>Lake</td>
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<td>Other (include type)</td>
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</tbody>
</table>

*Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and not estimate for size of non-jurisdictional aquatic resource area.*

**Migratory Bird Rule Factors:**

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Endangered Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted to Occur</td>
</tr>
</tbody>
</table>

*Check appropriate boxes that best describe potential applicability of the Migratory Bird Rule to apply to non-isolated, 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 if the U.S. occurring strategy**
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Don Antonio PRODUCTION LOCATION/WATERWAY: Northwest Center of U.S. Route 20 and Bartlett Road in Bartlett, Cook County, Illinois. Fox River/Pepin Creek Watershed.

FILE NUMBER: 20060984 PROJECT REVIEW COMPLETED: [ ] Office [ ] Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD in an appealable action. (33 CFR 334.2)

Based on available information:
☐ There are no waters on the project site.
☐ There are no 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:
☐ The presence of waters which are currently used, or used, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to theebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(10))
☐ The presence of jurisdictional waters which are currently used, or used, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to theebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(10))
☐ 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 waters. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including inclement streams), mudflats, sandbars, 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: STREAMWOOD.
☐ USDA Natural Resources Conservation Service Soil Survey for Cook County.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ AirSis (Name & Date): ____________________________
☐ Advanced Identification Wetland Maps: ____________________________
☐ Site Visit Conducted on: June 14, 2004
☐ Other information: ______________________________________

Rationale for Basis (applies to any boxes checked above):
The wetland on the property is an isolated depression and not under the jurisdiction of this office.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water Mark indicated by:
☐ the presence of litter and debris
☐ changes in the character of soil
☐ wetland boundary
☐ destruction of terrestrial vegetation
☐ flooding
☐ 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-SWANSC migratory bird rules criteria
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANSC migratory bird rules criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(2) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries:
☐ This office concurs with your wetland delineation report.
☐ This office does not concur with your wetland boundary.

Recommended by: ____________________________ Date: ____________________________

Approved by: ____________________________ Date: ____________________________

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (5th Edition) (i.e., occurrence of hydrologic depression, hydrophytic vegetation and wetland hydrology). Process for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987). Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river terraces, beach dunes, and the like are also adjacent.
<table>
<thead>
<tr>
<th>Type of aquatic resource(^1)</th>
<th>0-1 ac</th>
<th>1-5 ac</th>
<th>5-20 ac</th>
<th>&gt;20 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
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<td>River</td>
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<td>Spring</td>
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<td>Dry Wash</td>
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<td>Playa lake</td>
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<td>Vernal pool</td>
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<tr>
<td>Natural pond</td>
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<tr>
<td>Other water (Identify type)</td>
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</tbody>
</table>

\(^1\)Check appropriate boxes that best describe type of intact, 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:(^2)</th>
<th>If Known</th>
<th>IF Unknown</th>
<th>Use Best Professional Judgment</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Preferred</td>
</tr>
<tr>
<td>Is it would be used as habitat for birds protected by Migratory Bird Treaty?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Is it would be used as habitat by other migratory birds that cause state laws?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Is it used as habitat for endangered species?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Is used as irrigate crops sold in interstate commerce?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
# 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:** 200400760

**REGULATORY PROJECT MANAGER:** Kathy Chevich  
**Date:** 6/22/2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office  
**(Y/N) Date:** Y  
**(Y/N) Date:** Jun 2, 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Cook  
**Center coordinates of site by latitude & longitudinal coordinates:** N46°02'28", E87°19'58"  
**Approximate size of site/property (including uplands & in acres):** 5-5 acres  
**Name of waterway or waterbody:** Des Plaines/ Salt Creek

**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>5-11 ac</th>
<th>12-25 ac</th>
<th>26-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
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<tbody>
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</tbody>
</table>

*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.

*Margin note:*

<table>
<thead>
<tr>
<th>Migratory Bird Role Factor</th>
<th>If Known</th>
<th>If Unknown</th>
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<tbody>
<tr>
<td>Yes</td>
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<td>Predominant to Occur</td>
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<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td>X</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>
<td>X</td>
</tr>
<tr>
<td>Is or would be good for endangered species?</td>
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<tr>
<td>Is used in interstate range for interstate commerce?</td>
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</tbody>
</table>

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

**TYPE OF DETERMINATION:** Preliminary

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NID (e.g., paragraph 1 - site conditions; paragraphs 2-3 - geoname used to determine NID, including information reviewed to assess potential navigation or interstate commerce connection; and paragraph 4 - site information on waters of the U.S. entering states):**

**FILE NUMBER:** 200400760
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Paul Seitz PROJECT LOCATION/WATERWAY: Adjacent to Lot #2 at Falcon Lakes Drive, Falcon Lakes Subdivision, Cook County, Illinois. Poplar Creek/Peters River Watershed.

FILE NUMBER: 20040001 PROJECT REVIEW COMPLETED: [Office/Field]

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 328-330p. An approved JD is an appeasable action. (33 CFR 351.21)

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 pollutants 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)(3))
☐ The presence of interstate waters (including intereseat wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an interstate or other waters of the U.S. (33 CFR 328.3(a)(5))
☐ The presence of wetlands adjacent to (including 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 wetland (e.g., interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, prairie lakes, or natural ponds).
☐ Other.
☐ Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: STREAMWOOD.
☐ USDA Natural Resources Conservation Service Soil Survey for Cook County.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ U.S. Geological Survey 15 Minute Historic Quadrangles:
☐ Aerials (Name & Date):
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on: MAY 25, 2004
☐ Other information:

Rationale for Basis (applies to any boxes checked above)
The wetland on the property is an isolated depression and therefore, not under the jurisdiction of this office.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☑ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ the presence of lilies and algae
☐ destruction of terrestrial vegetation
☐ changes in the character of soil
☐ wetland boundary
☐ 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 to 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 agrees with your wetland delineation report dated , prepared by .
☐ This office does not contain your wetland boundary.

Recommended by: ___________________________ Date: __/__/20__

Approved by: ___________________________ Date: __/__/20__

Footnotes:
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:** 200400/791

**REGULATORY PROJECT MANAGER:** Kathy Chemish  
**Date:** 06/18/2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office  
**Y/N** Date: Y May 25, 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Cook  
**Center coordinates of site by latitude & longitudinal coordinates:** N60000050, Easting 495200  
**Approximate site of site/property (including uplands & in acres):**  
**Name of waterway or watershed:** Poplar Creek, Fox River Watershed

**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>
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</table>

*Check appropriate box that best describes type of isolated, non-navigable, intra-state water present and best estimate of size of non-jurisdictional aquatic resource area.*

**Migratory Bird Rule Factors:**

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>The Best Professional Judgment</th>
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</thead>
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<tr>
<td>Year</td>
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<tr>
<td>Yes</td>
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</table>

*Check appropriate box 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 3-3 - 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: Texas Property PROJECT LOCATION: WATERTWAY: 5 Acre Property North of Tecumseh Road and Lanvin Lane in southwest, Cook County, Illinois (Section 17, T24N, R13E).

FILE NUMBER: 200400737 PROJECT REVIEW COMPLETED: Office Field
Approved Jurisdictional Determination (JHD) (For Sites regulated under 33 CFR 320-330). An approved JHD is in an irrevocable action. (33 CFR 331.2)

Based on available information:

☐ There are no waters on the project site.
☐ There are no 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:

☐ These 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 to use for navigation (including all waters which are subject to the tide and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3(a)(2))
☐ The presence of tributary to an intermittent or other water of the U.S. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the U.S. except for these wetlands adjacent to other wetlands (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., irrigation ditches, dikes, levees (including intermittent streams), mudflats, sandbars, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or mined ponds),
☐ Other:

Section 10 waterway.

Information Reviewed:

☐ U.S. Fish and Wildlife Service National Wetland Inventory: PARK RIDGE.
☐ USDA Natural Resources Conservation Service Soil Survey for Cook County.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ Aerial (Date & Date):_______
☐ Advanced Identification Wetland Maps:_______
☐ Sue Yoo Conducted on: 15 June 2004
☐ Other information:

Rationale for Basis (apply to any boxes checked above):

Large wetland on north end of property drains to south through a dunes (dune) and a small surface drainage. At the southern boundary of the property, it enters a channel and crosses under Tecumseh Road to the south. At this point the water enters storm sewer system and is untraceable. Historic maps did not document a surface drainage that this underground pipe would be replacing.

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

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

Risks 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 unlikely to have been jurisdictional under pre-SWANCC Moratory Rule criteria
☐ Area under consideration is unlikely to have been jurisdictional under pre-SWANCC Moratory 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:

☐ S:\ File Name:
☐ Date: ___________

Approved by:

☐ S:\ File Name:
☐ Date: ___________

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (3rd Edition), i.e., assessment of hydrophytic vegetation, wetland soils and wetland hydrology. Projects 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 basins, beaches, 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:** 7604007737

**REGULATORY PROJECT MANAGER:** Steve Caganon  
**Date:** 17 June 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
*In the office Y (Y/N) Date: 14 June 2004*  
*At the project site Y (Y/N) Date: 15 June 2004*

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Cook  
**Center coordinates of site by latitude & longitude coordinates:** 42° -78.8436; 87° -51.37.2452  
**Approximate size of site or property (including uplands & in acres):** 5  
**Name of waterway or watershed:** Des Plaines

### SITE CONDITIONS:

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</table>

*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>
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<tr>
<th># Known</th>
<th># Unknown</th>
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</table>

*Check appropriate boxes that best describe the potential for migratory birds to use the site.*

**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):**

---

*Check appropriate boxes that best describe the potential for migratory birds to use the site.*
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Corporate Properties, Ltd. PROJECT LOCATION: WATERWAY: Northeast of intersection of Bell Road and 158th Street in Homer Glen, Will County, Illinois FILE NUMBER: 200400614 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JID) (For Sites regulated under 33 CFR 320-329). An approved JD is an appealable action. (33 CFR 331.21)

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 receivable 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 intermittent waters (including intermittent wetlands) (33 CFR 328.3(a)(2))
- The presence of a tributary to an intermittent water or other water of the US. (33 CFR 328.3(a)(5))
- The presence of wetlands adjacent to (barring, 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, natural ponds).
- Other:
  - Section 19 wetway.

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory: MOKENA.
- USDA Natural Resources Conservation Service Soil Survey for Will County.
- U.S. Geological Survey 15-Minute Historic Quadrangles:
- U.S. Geological Survey 15-Minute Historic Quadrangles:
- Availa (Name & Date): Homer Glen, 2002
- Advanced Identification Wetland Maps:
- Site Visit Conducted on: June 14, 2004
- Other information:

Rationale for Basis (applies to any boxes checked above): The wetland located on the subject property is isolated and therefore not jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
- Clear, natural line impressed on the bank
- Destruction of terrestrial vegetation
- Presence of litter and debris
- Shifting
- 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)(6) 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 likely to 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 area consists with your wetland delineation report dated , prepared by .
- This office does not confirm your wetland boundary.

Recommended by:  

Approved by:  

Date: 12 Jun 04

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

2Wetlands associated to other waters of the U.S. by creeks, sloughs, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and the like are also jurisdictional.
**INFORMATION SHEET**

**DETERMINATIONS OF NON-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:** 200400014

**REGULATORY PROJECT MANAGER:** Melyssa Cruz  
**Date:** 17 June 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office  
(Y/N) Date: Y (Y/N) Date: 14 June 2004

**PROJECT LOCATION INFORMATION:**

- **State:** Illinois  
- **County:** Will  
- **Center coordinates of site by latitude & longitudinal coordinates:** Lat 41°36'56.684  
  Long 87°55'45.4856  
- **Approximate size of site/property (including uplands & in acres):** Des Plaines  
- **Name of waterway or watershed:**

**SITE CONDITIONS:**

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<th>Type of aquatic resource²</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
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</table>

*Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water project 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>
<th>Use Best Professional Judgment</th>
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<td>Predicted to Occur</td>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</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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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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<td>Scavenges to intragroup social or 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 entity, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.*

**TYPE OF DETERMINATION:**  
Preliminary □ Or Approved ☑

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (see paragraph 1 - site coordinates; paragraphs 2-3 - rationale used to determine NID, including information reviewed to assess potential navigation at 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: Zarbros Group, LLC  PROJECT LOCATION/WATERWAY: Des Plaines River Watershed
FILE NUMBER: 20080440  PROJECT REVIEW COMPLETED: Office X

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 328-338). An approved JD is an appealable action. (33 CFR 328.1)

Based on available information:
☐ There are no waters on the project site.
☐ There are no navigable 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 theebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 232.300(3))
☐ The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an intermittent water or other water of the U.S. (33 CFR 328.5(a)(3))
☐ The presence of wetlands adjacent (1) bordering, contiguous, or neighboring an intermittent or other waters of the US (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., mountain lakes, rivers, streams (including intermittent streams), sandbars, sandrills, 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
☐ USDI Natural Resources Conservation Service Soil Survey the Lake County
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ U.S. Geological Survey 7 Remote Historic Quadrangles
☐ Aerial (Name & Date): Lake County 2005, Photomapper 2001 and 2006
☐ Advanced Identification Wetland Maps
☐ Site Visit Conducted on:

Rationale for Basis (apply to any basis checked above): Wetland 1 does not have a current or demonstrable historic surface water connection to a navigable waterway of the U.S. Therefore, Wetland 1 is considered isolated and does not fall under the jurisdiction of the Army Corps of Engineers. Wetland 2 is hydrologically connected via surface flow to a Seaview Drainage Ditch, which is a tributary of the Des Plaines River. Therefore, Wetland 2 falls under the jurisdiction of the Army Corps of Engineers.

Lateral Extent of Jurisdiction: (33 CFR 328 and 339):
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in the character of soil
☐ wetland boundary
☐ Demarcation of terrestrial vegetation
☐ Hydrology
☐ Water

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)(10)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(5) [attach copy of HQ rationale]

Confimation of Wetland Boundaries
☐ This office concurs with your wetland delineation report dated ________________
☐ This office does not concur your wetland boundary

Recommended by: __________________________ Date: ______/____/____

Approved by: __________________________ Date: ______/____/____

1 Wetlands are identified and delineated using the methods and criteria established in the Corps WetlandDeclaration Manual (7 Manual) (i.e., occurrence of hydrologic vegetation, hydrology and wetland hydrology). Portions of determining wetlands on agricultural lands may vary from methods described in the Cope Wetland Declaration Manual (7 Manual)
2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, taking river berm, beach dune, and the like are also jurisdictional.
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: 20040044

REGULATORY PROJECT MANAGER: Michael Murphy  Date: June 14, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: June 10, 2004
At the project site Y (Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County:
Center coordinates of site by latitude & longitudinal coordinates: 88°11'01.21"N, 43°16'35.8932"W, Longitude:
Approximate size of site property (including uplands & in acres): 7
Name of waterway or watershed:
Des Plaines

SITE CONDITIONS:

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<th>1-5 ac</th>
<th>6-10 ac</th>
<th>11-25 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 Factored:

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<td>No</td>
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<tr>
<td>Predicted to Occur</td>
<td>Not Expected to Occur</td>
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</tbody>
</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:
APPLICANT: Jacob & Ritter Associates, P.C.  PROJECT LOCATION/WATERWAY: Fox River Watershed
FILE NUMBER: 200406073  PROJECT REVIEW COMPLETED:  Office Field
Approved Jurisdictional Determination (JD): (For sites regulated under 33 CFR 320-336). An approved JD is an approvalable 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)(10))
☐ The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an intermittent water or other water of the U.S. (33 CFR 328.3(a)(5))
☐ The presence of wetlands adjacent to wetlands (33 CFR 328.3(a)(7))
☐ The presence of an impounded water (e.g., reservoir lakes, rivers, streams (including intermittent streams), sloughs, swamps, 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: AURORA NORTH
☐ USDA Natural Resources Conservation Service Soil Survey for Kau County.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ Aerial Photographs (Name & Date): AllPhotos USA October 22, 2003
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on: May 15, 2004 by Jamie Hammit
☐ Other information: FEMA FIRM Map, NSCS Preliminary Wetland Map, Xerox, Inc. Report Draft March 2, 2004

Rationale for Basis (apply to any boxes checked above): The wetland on site is a naturally occurring pool and does not have a current or demonstrable historic surface water connection to a navigable waterway of the U.S. Therefore, the wetland does not fall under the jurisdiction of the U.S. Army Corps of Engineers.

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
☐ destruction of vegetation
☐ other:
☐ wetland boundary
☐ shoveling

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2a), 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: 6/8/04

Approved by: ___________________________ Date: 6/9/04

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (1997) [e.g., occurrence of hydrophytic vegetation, hydric soil and wetland hydrology. Procedures for determining wetlands on riparian limits may vary from methods described in the Corps Wetland Delineation Manual (1997).]

2 Wetlands separated from other waters of the U.S. by non-natural dikes or barriers, natural river barriers, 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:** 200440053

**REGULATORY PROJECT MANAGER:** Joanne Hurnari  
**Date:** June 7, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office **Y** (Y/N)  
**Date:** June 4, 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Kane  
**Lat/Lon:** 41-47-44.4538, Longitude 32-22-10.7118  
**Acres:** 12  
**Name of waterway or watershed:** Fox River Watershed

**SITE CONDITIONS:**

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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 ac</th>
<th>5-10 ac</th>
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<th>Linear foot</th>
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<tbody>
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<td>Other water (identify type)</td>
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</tbody>
</table>

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

**Migratory Bird Rule Factors:**

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
<th>Not Able To Make Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted to Occur</td>
<td>Not Expected to Occur</td>
</tr>
</tbody>
</table>

- Is or would be used as habitat for birds protected by Migratory Bird Treaty?
- 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?

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

**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: Town and Country Homes  
PROJECT LOCATION/WATERWAY: McHenry County/Kishwaukee River  
FILE NUMBER: 20040009  
PROJECT REVIEW COMPLETED:  
Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 328-330). 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 Determinations:
☐ 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 in 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 U.S. (33 CFR 328.3(a)(2)).
☒ The presence of wetlands adjacent to the tributary or other waters of the U.S. except for those wetlands adjacent to other wetlands (33 CFR 328.3(a)(7)).
☒ The presence of an isolated water (i.e., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, permanent ponds, wet meadows, playas, lakes, or natural ponds).
☒ Other:
☐ Section 10 waterway.

Information Reviewed:
☐ U. S. Fish and Wildlife Service National Wetland Inventory: HUNTLEY.
☐ U. S. Geological Survey Hydrologic Atlas: 
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☐ U. S. Geological Survey 7.5 Minute Topographic Maps:
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ U. S. Geological Survey 15 Minute Historical Quadrangles:
☐ Aerial Photographs (Name & Date): 2002, 1998
☐ Advanced Mapping Wetland Maps:
☐ Site Visit Conducted On: June 3, 2006
☐ Other information:

Rationale for Basis (appplies to any boxes checked above): A tributary to the Kishwaukee River and adjacent wetland occur in the northern portion of the property. The Kishwaukee River drains to the Rock River, a navigable waterway under Department of the Army jurisdiction.

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

☐ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in character of soil
☐ wetland boundary
☐ destination of terrestrial vegetation
☐ shearing
☐ 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 not 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: 6/8/04

Approved by:  
☐  
Date: 6/9/04

*Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (1978) (i.e., occurrences of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural land may vary from methods described in the Corps Wetland Delineation Manual (1978).

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.
Determination 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: 200400091

REGULATORY PROJECT MANAGER: Kate Bliss  Date: 6/5/04
PROJECT REVIEW/DETERMINATION COMPLETED: In the office  (Y/N) Date: 6/5/04
PROJECT LOCATION INFORMATION:
State:
County:
Center coordinates of site by latitude & longitudinal coordinates:
Approximate size of site/property (including uplands & in acres):
Name of waterway or watershed:

SITE CONDITIONS:

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</table>

*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>
<th>The Best Professional Judgment</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted to Occur</td>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
<td></td>
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</tbody>
</table>

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

TYPE OF DETERMINATION:
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Ken Johnson PROJECT LOCATION/WATERWAY: 7.25 Acre Property on Brands Road in Barrington, Lake County, Illinois (Sections 26, T13N, R1W)

FILE NUMBER: 200400755 PROJECT REVIEW COMPLETED: ☐ Office Field

Approved Jurisdictional Determinations (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 no 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 Determinations:

☐ 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)(9)
☐ The presence of interstate wetlands (including intermittent wetlands) (33 CFR 328.3(a)(19))
☐ 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., reservoirs, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, ponds, lakes, or sloughs) (33 CFR 328.3(a)(1))
☐ Other:
☐ Section 10 waterway.

Information Reviewed:

☐ U. S. Fish and Wildlife Service National Wetland Inventory: BARRINGTON.
☐ U.S. Natural Resources Conservation Service Soil Survey for Lake County.
☐ USDA Natural Resources Conservation Service Soil Survey for Lake County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ U. S. Geological Survey 15 Minute Historic Quadrangles:
☐ Aerials (Image & Data): AirPhoto 2002
☐ Advanced Elevation/Geodetic Wetland Maps: LAKE COUNTY.
☐ Site Visit Conducted on: 4 June 2004
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetlands onsite are isolated depressions with no hydric surface connection to navigable waters.

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

☐ Ordinance of terrestrial vegetation
☐ Determination indicated by:
☐ Clear natural line impressed on the bank
☐ Site presence of litter and debris
☐ Changes in the character of soil
☐ Other

Basis for Declaring 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 the pre-SWANCC Magistrate Rule criteria:
☐ Area under consideration is not likely have been jurisdictional under the pre-SWANCC Magistrate Rule criteria

☐ Headquarters declined to approve jurisdiction on the basis of 308.3(a)(1) [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: 8 Jun 04

Approved by: ; Date: 8 Jun 04

**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:** 2004000755

**REGULATORY PROJECT MANAGER:** Steve Gagnon  
**Date:** 7 June 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- In the office (Y/N): Y  
- Date: 4 June 2004

**PROJECT LOCATION INFORMATION:**  
- State: Illinois  
- Lake: Fox  
- County:  
- Center coordinates of site by latitude & longitudinal coordinates: 42° 20' 19.4951; 88° 36' 34.3501  
- Approximate size of site/property (including uplands & in acres): 7.25  
- Name of waterway or watershed: Fox River

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3.1-5 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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<tbody>
<tr>
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<td>Wet meadow</td>
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<td>Playa lake</td>
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<td>Other water (list below, type)</td>
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</tbody>
</table>

*Check appropriate boxes that best describe type of inland, 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 the Best Professional Judgment</th>
<th>Yes</th>
<th>No</th>
<th>Preferred To Change</th>
<th>Not Expected To Occur</th>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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<tr>
<td>Is used to irrigate crops and is irrigated annually?</td>
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</tbody>
</table>

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

**TYPE OF DETERMINATION:**  
- Preliminary ☐  
- Or Approved ☒
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Village of Schaumburg PROJECT LOCATION(WATERWAY): Northwest Corner of Randburg Road and Irving Park Road in Schaumburg, Cook County, Illinois, Mesched Creek (Hinsdale River Watershed)

FILE NUMBER: 200301019 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 or 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 to use to transport interstate or foreign commerce, including all waters which are subject to the like and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.4(a)(1))
☒ The presence of intermittent waters (including intermittent wetlands). (33 CFR 328.3(a)(2))
☒ The presence of a tributary to an intermittent water or other water of the US. (33 CFR 328.3(a)(5))
☒ The presence of wetlands adjacent* (bounding, contiguous, or neighboring) to intermittent or other waters of the US, except for those wetlands adjacent to other wetlands. (1) 33 CFR 328.3(a)(7)
☒ The presence of an isolated water (e.g., intermittent 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: LOMBARD.
☒ USDA Natural Resources Conservation Service Soil Survey for Cook County.
☒ U. S. Geological Survey 7.5 Minute Historical Quadrangle: __________.
☒ U. S. Geological Survey 15 Minute Historical Quadrangle: __________.
☒ Actas (Name & Date): (Advanced Identification Wetland Maps: __________)
☒ Site Visit Conducted on: April 15 and 29, 2004
☒ Other information:

Rationale for Basis (applies to any boxes checked above):
The wetlands at the site are isolated depressions and not under the jurisdiction of this office.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☒ clear, natural line impressed on the bank
destruction of terrestrial vegetation
☒ the presence of litter and debris
☒ changes in the character of soil
☒ wetland boundary
☒ eroding
☒ 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)(5) 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 to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

Headquarters declined to approve jurisdiction on the basis of 328.3(a)(5) (attached 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: 

* Wetlands adjacent to 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: 200301019

REGULATORY PROJECT MANAGER: Kathy Chernich
Date: 6/4/2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (V/N) Date: 4/15 and 4/29/2004
At the project site (V/N) Date: 4/15 and 4/29/2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Cook
Center coordinates of site by latitude & longitudinal coordinates: Approximate site of site/property (including uplands & in acres):

Name of waterway or watershed:

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-6 ac</th>
<th>1-2 ac</th>
<th>2-5 ac</th>
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</table>

*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></td>
<td>Use Best Professional Judgment</td>
</tr>
</tbody>
</table>

Is or would be used as habitat for birds protected by Migratory Bird Treaty?

Is or would be used as habitat by other migratory birds that cross state line?

Is or needs to be irrigated and is interstate commerce?

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: City of Geneva  PROJECT LOCATION/WATERWAY: Fox River Watershed
FILE NUMBER: 200400648  PROJECT REVIEW COMPLETED: 0 Office 1 Field

Approved Jurisdictional Determination (JDO) (For sites regulated under 33 CFR 328-330) An approved JDO is an appealable action (33 CFR 330.2). Information:

Based on available information:
- There are no waters on the project site.
- There are no jurisdictional waters on the project site.
- There are no tributaries of the United States on the project site.
- There are no waters of the United States on the project site.
- There are no non-jurisdictional waters on the project site.
- There are waters of the United States on the project site.
- There are 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 328.4(a)(13)
- 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 U.S. (33 CFR 328.3 605)(9)
- The presence of wetlands adjacent to, bordering, conjuring, or neighboring to impede or other waters of the U.S., except for those wetlands adjacent to other wetlands (33 CFR 328.3 (a)(7))
- The presence of an isolated body of water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandleflats, wetlands, sloughs, riverine potholes, wet meadows, playa lakes, or natural ponds).
- Other:

Section 10 waterway:

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory: GENEVIA.
- USDA Natural Resources Conservation Service Soil Survey for Kamo County.
- U.S. Geological Survey 7-5 Minute Historic Quadrangles:
- Advanced Identification Water Maps:
- Site Visit Conducted on: May 6, 2004 by Jaimie Hammitt

Rationale for Basis (applicable to any boxes checked above): The wetland on site was created during a quarry operation, but does not have a current or demonstrable historic surface connection to a navigable waterway of the U.S. Therefore, the wetland does not fall under the jurisdiction of the Army Corps of Engineers.

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 tatter and debris
  - changes in the character of soils
  - wetland boundary
- destruction of terrestrial vegetation
- shading
- other:

Basis for Declining Jurisdiction:

- Unable to confirm the presence of water 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)(1) (attach copy of HQ rationale)

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

Recommended by: 
Date: 6/11/04

Approved by: 
Date: 6/11/04

1 Wetlands are identified and delineated using the methods and criteria established by the Corps Wetland Delineation Manual (87 Marine) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Procedures 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, brush 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:** 200400645

**REGULATORY PROJECT MANAGER:** Jaimee Hammi  
**Date:** May 25, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
**At the project site:** Y (Y/N)  
**Date:** May 6, 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Kane  
**Latitude:** 41-53-2.8402, Longitude: 88-21.36-5920  
**Approximate size of site/property (including uplands & in acres):** 40  
**Name of waterway or watershed:** Fox River Watershed

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-4 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>Linear feet</th>
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<tbody>
<tr>
<td>Lake</td>
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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 Role Factors:**

- [ ] Is or would be used as habitat for birds protected by "Migratory Bird Treaty?"  
  - [ ] Yes  
  - [ ] No  
  - [ ] Predicted to Occur  
  - [ ] Not Expected to Occur  
  - [ ] Not Able To Make Determination

- [ ] Is or would be used as habitat by other migratory birds that cross state lines?  
  - [ ] Yes  
  - [ ] No  
  - [ ] Predicted to Occur  
  - [ ] Not Expected to Occur  
  - [ ] Not Able To Make Determination

- [ ] Is or would be used as habitat for endangered species?  
  - [ ] Yes  
  - [ ] No  
  - [ ] Predicted to Occur  
  - [ ] Not Expected to Occur  
  - [ ] Not Able To Make Determination

- [ ] Is used to irrigate crops and in waterfowl contined?  
  - [ ] Yes  
  - [ ] No  
  - [ ] Predicted to Occur  
  - [ ] Not Expected to Occur  
  - [ ] Not Able To Make Determination

*Check appropriate boxes that best describe potential for application 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: MCCD PROJECT LOCATION/WATERWAY: McHenry County, Illinois

FILE NUMBER: 200400527 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JDI) For sites regulated under 33 CFR 328-339. An approved JDI is an appealable action. (33 CFR 331.2) An approved JDI 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 tide and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3 (a)(2))
☐ The presence of a tributary to an intermittent water or other water of the US. (33 CFR 328.3 (a)(5))
☐ The presence of wetlands adjacent (i.e., bordering, contiguous, or neighboring) to intermittent 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 wetland (e.g., intermittent 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: 0000000
☐ U.S. Geological Survey Hydrologic Atlas
☐ USDA Natural Resources Conservation Service Soil Survey for McHenry County.
☐ U.S. Geological Survey 7.5 Minute Topographic Maps: 0000000
☐ U.S. Geological Survey 7.5 Minute Topographic Quadrangles: 0000000
☐ U.S. Geological Survey 15 Minute Historic Quadrangles: 0000000
☐ Actual Photographs (Name & Date): 0000000
☐ Advanced Identification Wetland Maps: 0000000
☐ Site Visit Conducted on: February 19, 2004
☐ Other Information:

Rationale for Basis (applies to any box checked above): An isolated wetland complex exists on site. Isolated wetlands are 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
☐ changes in the character of soil
☒ destruction of terrestrial vegetation
☒ flooding
☐ 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 not likely to 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 rationales]

Confimation of Wetland Jurisdictions
☐ This office concurs with your wetland delineation report dated 0000000 prepared by 0000000
☒ This office does not confirm your wetland boundary

Recommended by: 0000000 Date: 0000000

Approved by: 0000000 Date: 0000000

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1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (RT Manuals) (i.e., occurrence of hydrophytic vegetation, hydrologic soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1997).

2 Wetlands separated from other waters of the U.S. by man-made slacks or barriers, natural river bars, stream channels, and the like are also adjacent.

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**INFORMATION SHEET**

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

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200400327

**REGULATORY PROJECT MANAGER:** Kate Bilas  
**Date:** 6/2/04

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N)  
**Date:** 2/15/04

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** McHenry  
**Center coordinates of site by latitude & longitudinal coordinate:** 42° 28' 30"N, 88° 22' 50"W  
**Approximate size of site (property including uplands & in water):** 100  
**Name of waterway or watershed:** Fox River

**SITE CONDITIONS:**

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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
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<th>5-10 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:**

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<th>If Known</th>
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<tr>
<td>Yes</td>
<td>No</td>
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<td>Predisposed to Occur</td>
<td>Not Expected to Occur</td>
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</table>

- Is we would be used as habitat for birds protected by Migratory Bird Treaty?
- Is it would be used as habitat by other migratory birds that cross state lines?
- Is it would be used as habitat for endangered species?
- Is it would be used by avian crop  oils in interstate commerce?

*(Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to exotic, non-periodic, 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: MAEC, Inc.  PROJECT LOCATION/WATERSHED: 14 Acre Site Southwest of 159th Street and Route 55 in Oak Lawn, Cook County, Illinois (Sections 21, 22, T50N, R12E)
F.S. NUMBER: 200400944  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 wetlands on the project site.
- There are no jurisdictional waters 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 wetlands 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 U.S. (33 CFR 328.3(a)(5))
- The presence of wetlands adjacent1 (borders, 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., intermittent lakes, rivers, streams including intermittent streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, poya lakes, or natural ponds).
- Other

Section 10 waterway

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory
- USDA Natural Resources Conservation Service Soil Survey for Cook County.
- U.S. Geological Survey 7.5 Minute Historic Quadrangles
- Aerials (Name & Date): Air Photo 1999
- Advanced Identification Wetland Maps
- Site Visit Concluded on 22 May 2014
- Other information.

Rationale for Basis (applies to any boxes checked above): Creek on property drains into large wetland complex on property to the north. Historically it appears the water used to drain to the surface to the west and over a wetland complex adjacent to Morley Creek. However, sections from local residents indicate that the drainage pattern was altered years ago and now the wetlands drain through a field tile to that same area. No definitive record could be found on the historic maps or topics indicating that drainage.

Lateral Extent of Jurisdiction (33 CFR 320 and 329):
- Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank
- Destruction of terrestrial vegetation
- Obstructions
- Changes in the character of wetland
- Other

Basis for Declination 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 to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction as the basis of 328.3(a)(X) [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: June 04

Approved by: Date: 

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1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (1979 Manual) (i.e., occurrence of hydrophytic vegetation, hydrologic soils, and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1979).

2Wetlands separated from other waters of the U.S. by one or more obstacles (hars, natural river banks, 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: 200406/04

REGULATORY PROJECT MANAGER: Steve Gagnon
Date: 2 June 2004

PROJECT REVIEW/DETERMINATION COMPLETED:
In the office (Y/N) Date: (Y/N)
At the project site Y (Y/N) Date: 25 May 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Cook
Center coordinate of site by latitude & longitudinal coordinates: 41° 45'35.0077, 87° 51'16.1175
Approximate size of site/property (including uplands & in access): 14
Name of waterway or watershed: Marley Creek; Des Plaines River

SITE CONDITIONS:

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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:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
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<tbody>
<tr>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Predicted to Occur</td>
<td>Not Expected to Occur</td>
</tr>
</tbody>
</table>

Is or would be used as habitat for birds protected by Migratory Bird Treaty? Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to existing, newly/constructed, 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 navigational or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite)}
APPLICANT: Church Building Consultants
PROJECT LOCATION/WATERWAY: Property East of Greenwood Road and 159th Street in Cook County, Illinois/Little Calumet River
FILE NUMBER: 20940098

PROJECT REVIEW COMPLETED: Office Print
Approved Jurisdictional Determination (JID) (For Sites regulated under 33 CFR 320-326). An approved JID is an appealable action (33 CFR 332.2).
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 tide and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3(a)(2))
☐ The presence of tributary to an intermittent water or other water of the U.S. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the U.S., except for those wetlands adjacent to other wetlands (33 CFR 328.3(a)(4))
☐ The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandbars, wetlands, sloughs, prairie potholes, wet meadows, prairies, or natural ponds).
☐ Other
☐ Section 10 wetway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: CALUMET CITY.
☐ USDA Natural Resources Conservation Service Soil Survey for Cook County.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles.
☐ U.S. Geological Survey 15 Minute Historic Quadrangles.
☐ Aerials (Name & Date).
☐ Advanced Identification: Wetland Maps.
☐ Other Information.

Rationale for Basis (apply to any boxes checked above): the jurisdictional wetland (wetland #2) is hydrologically connected to the Little Calumet River via surface flow.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
Ordinary High Water Mark (OHWM) indicated by:
☐ slow, natural areas 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 at 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is unlikely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Other.

Confimation of Wetland Boundaries:
☐ This office concurs with your wetland delineation report dated October 30, 2003, prepared by Enuev, Inc.
☐ This office does not confirm your wetland boundary.

Recommended by: ORIGINAL SIGNED Date: 6-3-04

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (77 Manual) (i.e., biomass of hydrophyte vegetation, aquatic rails and wetland hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
## 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:** 200400098  
**REGULATORY PROJECT MANAGER:** Scott Willms  
**Date:** June 2, 2004

### PROJECT REVIEW/DETERMINATION COMPLETED:  
**In the office:** (Y/N) Date: January 2004  
**At the project site:** (Y/N) Date: May 2004

### PROJECT LOCATION INFORMATION:  
**State:** Illinois  
**County:** Cook  
**Center coordinates of site by latitude & longitude coordinates:** 41°36′21.774″N 87°34′32.889″  
**Approximate site of property (including uplands & in acres):** 8.7 acres  
**Name of waterway or watershed:** Little Calumet 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>Intent to develop</th>
<th>Unknown</th>
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</table>

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

### Migratory Bird Rule Pertains:  

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
<th>Not Able To Make Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted to Deny</td>
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<td>Ni Expected to Deny</td>
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</tbody>
</table>

- Is or would be used as habitat for birds protected by Migratory Bird Treaty?
- 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 cultivate crops sold to interstate commerce?
- Characteristics that best describe potential for applicability of the Migratory Bird Rule to apply to isolated, 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 3-3—rational 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 offsite):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Leonard Schultz  PROJECT LOCATION/WATERWAY: McHenry County, Illinois
FILE NUMBER: 200400652  PROJECT REVIEW COMPLETED:  Office Field

Approved Jurisdictional Determination (JDA) (Per site regulated under 33 CFR 328-136). An approved JDA is an appealable action. (33 CFR 331.2) An approved JDA 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 intermittent waters (including intermittent wetlands) (33 CFR 328.3(c)(2))
☐ The presence of a tributary to an intermittent water or other water of the US (33 CFR 328.3(c)(5))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the US, except for those wetlands adjacent to other wetlands (33 CFR 328.3(c)(7))
☐ The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playas, lakes, or natural ponds).
☐ Other: Stroh 10 waterway.

Information Reviewed:
☐ U. S. Fish and Wildlife Service National Wetland Inventory __________
☐ U. S. Geological Survey Hydrologic Atlas __________
☐ USD A National Resources Conservation Service Soil Survey for McHenry County.
☐ U. S. Geological Survey 7.5 Minute Quadrangle __________
☐ U. S. Geological Survey 15 Minute Historic Quadrangles __________
☐ Aerial Photographs (Name & Date) 2001
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY __________
☐ Site Visit Conducted on: May 7, 2004
☐ Other information:

Rationale for Basis (applies to any boxes checked above): One isolated wetland is located in the southeastern portion of the subject property. Isolated wetlands are not regulated by the Department of the Army.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water Mark indicated by:"[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
☐ vegetation and
☐ 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 to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☑ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(1) [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: __________

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (RT Manual) i.e., occurrence of hydrophytic vegetation, hydrologic soils and wetland hydrology. Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1991).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river terraces, beach dunes, and the like are also adjacent.
**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:** 20040067

**Regulatory Project Manager:** Katie Blythe  
**Date:** 6/1/04

**Project Review/Determination Completed:**  
In the office (Y/N) Date:  
At the project site (Y/N) Date: 3/2/04

**Project Location Information:**  
**State:** Illinois  
**County:** McHenry  
**Creek/river:** Fox  
**Approximate size of site property (including upland & in acres):** 100  
**Name of waterway or watershed:** Fox 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>
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<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Lesser</th>
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</table>

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

**Migratory Bird Rule Factors:**  
**If Known**  
**If Unknown**  
**Use Best Professional Judgment**

<table>
<thead>
<tr>
<th>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</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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</thead>
<tbody>
<tr>
<td>Is or would be used as habitat by other migratory birds that are not listed?</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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<tr>
<td>Is used in U.S. state(s) only as 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 site, non-jurisdictional, 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 3-4 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information as waters of the U.S. occurring onsite):**
APPLICANT: Abdonnante
PROJECT LOCATION/WATERWAY: Fox River Watershed
FILE NUMBER: 200006832
PROJECT REVIEW COMPLETED: Yes
Office: Field

Approved Jurisdictional Determination (337) (FWS) sites regulated under 33 CFR 328-339. An approved JD is an appealable action. (33 CFR 333.2)

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 intermittent wetlands) (33 CFR 328.3(a)(2))
- The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3(a)(3))
- The presence of wetlands adjacent to a navigable water or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(4))
- The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds.)

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH.
- USDA Natural Resources Conservation Service Soil Survey for Kane County.
- U.S. Geological Survey 7.5 Minute Historic Quadrangles: __________.
- Aerial Photographs (Name & Date): October 2002
- Advanced Identification Wetland Maps: __________.

Site Visits Conducted on: __________.

Rationale for Basis (supplies any boxes checked above): The 0.01 wooded acres of wetland on site does not have a current or demonstrable historic surface connection to a navigable waterway of the U.S. Therefore, the wetland does not fall under the jurisdiction of the Army Corps of Engineers.

Lateral Extent of Jurisdiction (33 CFR 328 and 339):
- Ordinary High Water Mark indicated by: __________.
- Destruction of terrestrial vegetation: __________.
- Shelving: __________.
- Loss of wetland boundary: __________.
- Changes in the character of soil: __________.
- 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
- Headwaters declined to approve jurisdiction on the basis of 328.3(a)(5) (attach copy of HQ rationale)

Confederation of Wetland Boundaries:
This office concurs with your wetland determination report dated __________, prepared by __________. This office does not confirm your wetland boundary.

Recommended by: __________, Date: __________

Approved by: __________, Date: __________

Notes:
- Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineators Manual (RT Manual) (i.e., presence of hydrophytic vegetation, hydrology and wetland hydrology). Presence for interpreting wetlands or agricultural lands may vary from methods described in the Corps Wetland Delineators Manual (1987).
- Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river bends, beach zones, 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 MOLBI WASTE AGENCY OF NORTHERN COOK COUNTY v. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200400632

**REGULATORY PROJECT MANAGER:** Jaimee Hamut  
**Date:** 25 May 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N)  
**Date:** 25 May 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Kane  
**Center coordinates of site by latitude & longitudinal coordinates:** 83°17'28.6703'W  
**Approximate size of site/property (including uplands & in access):** 3 acres  
**Name of waterway or watershed:** Fox River Watershed

**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>
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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.

**MIGRATORY BIRD ROLE FACTORS:**

<table>
<thead>
<tr>
<th>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</th>
<th>If Known</th>
<th>If Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Predicated</td>
<td>Not Expected to Occur</td>
<td>Not Able To Make Determination</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is or would be used as habitat for birds protected by other migratory birds that aren't state game?</th>
<th>If Known</th>
<th>If Unknown</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
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</tr>
<tr>
<td>Predicated</td>
<td>Not Expected to Occur</td>
<td>Not Able To Make Determination</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is or would be used as habitat for endangered species?</th>
<th>If Known</th>
<th>If Unknown</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Predicated</td>
<td>Not Expected to Occur</td>
<td>Not Able To Make Determination</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is site is airport, crops, or interstate commerce area?</th>
<th>If Known</th>
<th>If Unknown</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Predicated</td>
<td>Not Expected to Occur</td>
<td>Not Able To Make Determination</td>
</tr>
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</table>

**TYPE OF DETERMINATION:**  
**Preliminary □ Or Approved □**

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 3 – 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 parallels)**
APPLICANT: Church Building Consultant
PROJECT LOCATION/WATERWAY: Property East of Greenwood Road and 158th Street in Cook County, Illinois/Little Calumet River
FILE NUMBER: 200400098

PROJECT REVIEW COMPLETED: ☑ Office ☑ Field
Approved Jurisdictional Determination (JD) (Per Sites regulated under 33 CFR 328.3-339). An approved JD is an apppellable action (33 CFR 321.12).
Based on available information:
☐ There are no waters on the project site.
☐ There are no 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)(3)
☒ 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 waters of the U.S. (33 CFR 328.3(a)(5))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to interstate or other waters of the U.S., except for those wetlands adjacent to other wetlands (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., irrigation ditches, river, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, phytoplakes, or sandbars).
Other:
☐ Section 10 waterway.

Information Reviewed
☒ U.S. Fish and Wildlife Service National Wetland Inventory: CALUMET CITY.
☒ U.S. Geological Survey Hydrologic Atlas:
☒ USDA Natural Resources Conservation Service Soil Survey for Cook County
☒ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☒ U.S. Geological Survey 12 Minute Historic Quadrangles:
☒ Advanced Identification Wetland Maps:
☒ Site Visit Conducted on: January & May 2004
☒ Other:

Rationale for Basis (appplies to any bases checked above): the jurisdictional wetland (#3) is hydrologically connected to the Little Calumet River via surface flow.

Lateral Extent of Jurisdiction (33 CFR 328 and 339):
Ordinary High Water Mark indicated by:
☐ Other, natural line imprinted on the bank
☐ Depression of terrestrial vegetation
☐ Sliding
☐ Other:
☐ Changes in the character of soil
☐ 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 to have been jurisdictional under post-SWANCC Migratory Bird Rule criteria
☐ Headquarters decision to approve jurisdiction on the basis of 328.3(a)(3) (attach copy of HQ rationale)

Confession of Jurisdictional Boundaries:
☒ This office concurs with your wetland delineation report dated October 30, 2003, prepared by Encon, Inc.
☒ This office does not confirm your wetland boundary.

Approved by: __________________________ Date: 6/3/04

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (RT Manual) and the occurrence of hydrologic separation, water surface and wetland hydrology. Processors for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1983).
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: 20040009

REGULATORY PROJECT MANAGER: Diedra Willis
Date: June 2, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: January 2004
At the project site (Y/N) Date: May 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Cook
Center coordinates of site by latitude & longitudinal coordinates: 41°25’-21’ 77°46’-57’-34°-32’.8800
Approximate size of site/property (including uplands & in acres): 8.5 acres
Name of waterway or watershed: Little Calumet River

SITE CONDITIONS:

<table>
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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-2 ac</th>
<th>2-3 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.

Migratory Bird Rule Factor 1:

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

- Is or would be used as habitat for birds protected by Migratory Bird Treaty?
- Is or would be used as habitat for birds that cross state lines?
- Is or would be used as habitat for endangered species?
- Is used to irrigate crops sold in interstate commerce?

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