**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:** 20040088

**REGULATORY PROJECT MANAGER:** Kace Ellis  
**Date:** 8/30/04

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office  
**(YN) Date:** 8/30/04

**PROJECT LOCATION INFORMATION:**  
**County:** Illinois  
**Center coordinates of site by latitude & longitudinal coordinates:**  
**Approximate size of site (property including uplands & in water):** 42-28-41.3644, 88-33-30.5662  
**5**  
**Name of waterway or watershed:** Kaukauna 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>
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<th>Linear feet</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 Factors:**

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

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<tr>
<th>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</th>
<th>Is or would be used as habitat by other migratory birds that cross state lines?</th>
<th>Is or would be used as habitat for endangered species?</th>
<th>Is used in migratory waterbird commerce?</th>
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<tbody>
<tr>
<td>X</td>
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*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, 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):**
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: 200400946

Regulatory Project Manager: Paul Letter Date: August 30, 2004

Project Review/Determination Completed: In the office Y (Y/N) Date: August 30, 2004
At the project site Y (Y/N) Date: May 6, 2004

Project Location Information:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42° 15' 1.7302" N 87° 55' 26.8326" E
Approximate size of site/property (including uplands & in acres): 40 acres
Name of waterway or watershed: Des Plaines

Site Conditions:

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

Migratory Bird Rule Factors²:

<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 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? 
Is used to irrigate crops sold in interstate commerce? 

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to media, 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).
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Mr. Gregory Volpendesta
PROJECT LOCATION/WATERWAY: Located North of Illinois Route 173, West of Route 45, and South of the Illinois/Wisconsin Border near Antioch, Unincorporated Lake County, Illinois (Section 11, 112, 114N, R10E).

FILE NUMBER: 20041007
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 327.2)
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)(11))
☒ 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)(3))
☐ The presence of wetlands adjacent to other wetlands, wetlands (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, pine 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 National Resources/Conservation Service Soil Survey for Lake 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 Historic Quadrangles:
☒ AERIALS (NAME & DATE):
☒ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on: August 3, 2004
☐ Other information:

Rationale for Basis (Applies to any boxes checked above): Wetland No. 2 (Candie Lake), as referenced in your delineation report, is under this office’s jurisdiction because it has a hydrologic surface connection to the North Mill Creek, which drains into the Des Plaines River, a navigable waterway. Wetland No. 1 (Little Candie Lake), Former Wetland #4, Former Wetland #8, and Former Wetland #5 did not have an identifiable surface connection to a navigable waterway and are therefore considered non-jurisdictional.

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

Basis for Declining Jurisdiction:
☒ Unable to confirm presence of waters listed in 33 CFR 328.3(a)(11), 328.3(c)(2), or 328.3(c)(4) through 328.3(c)(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 June 2004, prepared by Boelting, Lash & Associates.
☒ This office does not confirm your wetland boundary

Recommended by: [ORIGINAL SIGNED]
Date: 8/15/04

Approved by: [ORIGINAL SIGNED]
Date: 8/20/04

Wetlands are identified and delineated using the methods and criteria outlined in the Corps Wetland Delineation Manual (97 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1977).
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 NUMBERS:

REGULATORY PROJECT MANAGER: Paul Leffler
Date: August 30, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: To the office Y (Y/N) Date: August 30, 2004
At the project site Y (Y/N) Date: August 3, 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42°29'.26768' 88°1'.50.9369'
Approximate size of wetland property (including uplands & in acres): 44 acres
Notice of waterway or watershed: Mill Creek/Dixie Plains

SITE CONDITIONS:

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<th>0-1 ac</th>
<th>1-5 ac</th>
<th>5-10 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 Nest Factor:

<table>
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<th>If Known</th>
<th>If Unknown</th>
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<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>
<td>☑</td>
<td>☑</td>
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<tr>
<td>Is or would be used as habitat by migratory birds that cross state lines?</td>
<td>☑</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td>☑</td>
<td>☑</td>
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<tr>
<td>Is used to recreate crops lost in interstate commerce?</td>
<td>☑</td>
<td>☑</td>
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</tbody>
</table>

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Nest to apply to isolated, non-jurisdictional, isolated, non-navigable, in-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; 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: Northern Realco Group, Ltd. PROJECT LOCATION/WATERWAY: Southeast of Deerfield Road And Milwaukee Avenue In Riverwoods, Lake County, Illinois (Section 35, T45N, R11E)

FILE NUMBER: 200400631 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (ID) (For sites regulated under 33 CFR 323-330). An approved ID is an appealable action.
(33 CFR 331.2)
Based on available information:
☐ These are no waters on the project site.
☐ These are non-jurisdictional waters on the project site.
☐ These are waters of the United States on the project site.
☐ These are both waters of the United States and non-jurisdictional waters on the project site.

Rationale for Jurisdiction:
☐ These are non-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 materials or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)).
☐ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3(a)(2)).
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3(a)(4)).
☐ The presence of wetlands adjacent (i.e., coexisting, 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, sandbars, wetlands, sloughs, prairie potholes, wet meadows, plays lakes, or natural ponds).
☐ Other:
☐ Section 1630-00-00-00

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 7.5 Minute Topographic Map: __________
☐ U.S. Geological Survey 15 Minute Topographic Quadrangle: __________
☐ AccuReal (Name & Date): Spring 2002
☐ Advanced Identification Wetland Map: __________
☐ Site Visit Conducted: August 3, 2004
☐ Other information:

Rationale for Basis (applies to any boxes checked above): The 0.06 acre degraded wetland onsite does not exhibit a hydrologic, surface connection to the Des Plaines River, and therefore considered isolated.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water: Mark indicated by:
☐ Clear, natural line impressed on the bank
☐ Construction of terrestrial vegetation
☐ Presence of litter and debris
☐ Burrowing
☐ Changes in the character of soil
☐ Other
☐ Wetland boundary

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

Validity of Determination:
☐ This office concurs with your wetland delineation report dated __________, prepared by __________
☐ This office does not concur with your reported 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 (4th Manual) (i.e., occurrence of hydrophytic vegetation, hydrology, and wetland hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1977).
2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river heads, beach dunes, and the like are also adjacencies.
### 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:** 200400641  
**REGULATORY PROJECT MANAGER:** Paul Leffler  
**Date:** August 27, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N)  
**Date:** August 27, 2004  
**At the project site Y (Y/N)  
**Date:** August 3, 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:**  
**Center coordinate of site by latitude & longitudinal coordinates:** 42.40-2.1335 87.55-11.9218  
**Approximate size of site/property (including uplands & in acres):** 5  
**Name of waterway or watershed:** Des Plaines

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 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>
<th>Use Best Professional Judgment</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
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<td>Predicted to Occur</td>
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<tr>
<td>In or would be used as habitat for birds protected by Migratory Bird Treaty?</td>
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<tr>
<td>In or would be used as habitat by other migratory birds that cross state lines?</td>
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<tr>
<td>In 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 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 for water of the U.S. occurring onsite):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: The Ma.ttgraves PROJECT LOCATION/WATERWAY: Coral Township/McHenry County
FILE NUMBER: 20000871 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD)(For sites regulated under 33 CFR 320-350). 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 no non-jurisdictional waters on the project site.
- There are no waters of the United States on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e. navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands), (33 CFR 328.3(a)(2))
- The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3(a)(3))
- The presence of wetlands adjacent to bordering, contiguous, or neighboring to interstate or other waters of the U.S., except for tidal wetlands adjacent to other wetlands (33 CFR 328.3(a)(4))
- The presence of an isolated water (e.g. intermittent lake, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- Other:
- Section 10 waterway.

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory: MARENGO SOUTH.
- U.S. Geological Survey Water Resources Investigations Report:
- U.S. Geological Survey 7.5 Minute Historic Quadrangles:
- Aerial Photographs (Name & Date): 2002
- Advanced Identification Wetland Maps:
- Site Visit Conducted on: July 20, 2004 and August 19, 2004
- Other information:

Rationale for Basis (applies to any boxes checked above): Wetlands 2, 4, and 6 and the tributary along the western portion of the subject property are tributary to a navigable waterway, the Rock River and are therefore under Department of the Army jurisdiction. Wetlands 1, 3 and 5 are isolated and non-jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
- Ordinary High Water Mark indicated by:
  - clear, natural line impressed on the bank
  - the presence of litter and debris
  - changes in the character of soil
  - destruction of terrestrial 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 to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters decided to approve jurisdiction on the basis of 328.3(a)(3) (attach copy of HQ rationale)

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

Recommended by: ______________________ ORIGINAL SIGNED Date: 8/12/04
Approved by: ______________________ Date: 8/12/04

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Determination Manual (IP Manual) (e.g., occurrence of hydric vegetation, hydrology, soil) and wetland hydrology. Processed for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Determination Manual (IP Manual).

2 Wetlands separated from other waters of the U.S. by transect classes of barrens, natural river benches, beach dunes, and the like are also adjacent.
DISTRIBUTION 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: 200400871

REGULATORY PROJECT MANAGER: Kate Sites
Date: 8/30/04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (YN) Date: 8/19/04
At the project site Y (YN) Date: 8/19/04

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates:
Approximate size of site/property (including uplands & in aquifers):
Name of waterways or watershed:
Kishwaukee River

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt;50 ac</th>
<th>Linear feet</th>
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<tbody>
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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.

<table>
<thead>
<tr>
<th>Migratory Bird Rule Factors:</th>
<th>If Known</th>
<th>If Unknown</th>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird 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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</table>

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

<table>
<thead>
<tr>
<th>TYPE OF DETERMINATION:</th>
<th>Preliminary</th>
<th>Or Approved</th>
</tr>
</thead>
</table>

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1—site conditions; paragraphs 2-3—rationales used to generate 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: Crystal Creek Parishes PROJECT LOCATION/WATERWAY: Crystal Creek/McHenry County
FILE NUMBER: 200400933 PROJECT REVIEW COMPLETED: 07/06/2004

Approved Jurisdictional Determination (JDO) for sites regulated under 33 CFR 323-339. An approved JDO is an appealable action. (33 CFR 331.2) An approved JDO is an appealable action. (33 CFR 331.2)

Based on available information:
 favoured waters on the project site.

There are non-jurisdictional waters on the project site.

There are non-jurisdictional 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 flow and flood 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 public waterway.

The presence of tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(3))

The presence of wetlands adjacent (i.e., bordering, contiguous, or neighboring) to non-jurisdictional or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(4))

The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandbars, 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: CRYSTAL LAKE.


USDA National Resources/Conservation Service Soil Survey for McHenry County.


U.S. Geological Survey 7.5 Minute Historic Quadrangles: ELGIN, 1925.

Aerial Photographs (Name & Date): 2002.

Advanced Identification Wetland Maps: MCHENRY COUNTY.

Site Visit Conducted on: Aug 19, 2004

Information:

Rationale for Basis (Applies to any boxes checked above): Wood Creek tributary and an adjacent wetland meire have a historical surface water connection to the Fox River, a navigable waterway, as exhibited in the 1920 historic 15 minute quadrangle. Wetland 2, at a much higher elevation and with a bend around the entire perimeter, is an isolated wetland and non-jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328 and 129):

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the land
- presence of later and debris
- change in the character of soil
- destruction of terrestrial 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 Mitigation Rule criteria

Area under consideration is likely to have been jurisdictional under pre-SWANCC Mitigation 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 June 12, 2004, prepared by Scapa, Inc.

This office does not confirm your wetland boundary

Recommended by:

ORIGINAL SIGNED

Approved by:

Date: 07/06/2004

Date: 07/06/2004

1 WETLANDS are separated from other waters of the U.S. by impassable dikes or barriers, natural river barriers, beach dunes, and the like are also adjacent.

2 Wetlands 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 flow and flood of the tide (i.e., navigable waters of the U.S. (33 CFR 328.3(a)(1))
INFORMATION SHEET
Determination of No Jurisdiction for Isolated, Non-Navigable, Intrastate 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: 20060993

REGULATORY PROJECT MANAGER: Kate Blais
DATE: August 26, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the field
(Y/N) Date: 8/19/04

PROJECT LOCATION INFORMATION:
County: McHenry
Center coordinates of site by range & longitudinal coordinates: 42.11.33
Approximate size of site/property (including uplands & in acres): 15.7
Name of waterway or watershed: Fox River

SITE CONDITIONS:

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<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
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<tbody>
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<td>Lake</td>
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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, intrastate 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>Predominant Judgment</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Not Known to Occur</td>
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<tr>
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<td></td>
<td>Not Known to Occur</td>
</tr>
</tbody>
</table>

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

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

TYPE OF DETERMINATION: Preliminary

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: None

PROJECT LOCATION/WATERWAY: west of route 59 and north of Aurora Road in Naperville, DuPage County, Illinois

FILE NUMBER: 200400817 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JJD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.12)

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 C.F.R. §§320.4(a)(1))
- The presence of intermittent waters (including intermittent wetlands) (33 C.F.R. §§323.8(a)(2))
- The presence of a tributary to an intermittent water or other water of the U.S. (33 C.F.R. §328.3(a)(5))
- The presence of wetlands adjacent (i.e., bordering, converging, or neighboring) to intermittent or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 C.F.R. §§328.3(a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), muckflats, 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: NAPERVILLE
- USDA Natural Resources Conservation Service State Survey for DuPage County.
- U.S. Geological Survey 7.5 Minute Historical Quadrangles: NAPERVILLE, IL 1940.
- Available Historic Wetland Maps:
- Site Visit Conducted on: August 18, 2004
- Site visits conducted on: August 26, 2004
- No other information: wetland delineation dated June 20, 2003 prepared by CBIEL.

Rationale for Basis (applies to any bases checked above): Wetlands 1-3 within the project site do not have a direct surface water connection to a navigable waterway, therefore are isolated.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
- Ordinary High Water Mark indicated by:
  - Clear, natural line impressed on the bank
  - Disappearance of riparian vegetation
  - The presence of litter and debris
  - Changes in the character of soil
  - Wetland boundary

Basis for Declining Jurisdiction:
- Unable to confirm the presence of waters listed in 33 C.F.R. 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)(4) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries:
- This office concurs with the wetland delineation report dated , prepared by .

Recommended:

Original Signed: ____________________________ Date: 8-26-04

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 wetland vegetation, hydrology, soils and wetland hydrology). Presence for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1997).

2 Wetlands separate from other waters of the U.S. by man-made dikes or barriers, natural river basins, beach dunes, and the like are also adjacent.
### SITE CONDITIONS:

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

### Migratory Bird Rule Factors:

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<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
<th>Yes</th>
<th>No</th>
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*Check appropriate boxes that best estimate potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intrastate 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 navigability or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):
APPLICANT: Center and Stagner Ranch, LLC  PROJECT LOCATION/WATERWAY: Northwest of intersection of States Road and Center Road, in Franklin, Will County, Illinois  FILE NUMBER: 200400726  PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JDI) (Per Sites regulated under 33 CFR 320-330). An approved JDI is an applicable section (33 CFR 121.12):

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 121.3(a)(1))

☐ The presence of interstate waters (including interstate wetlands) (33 CFR 121.3(a)(2))

☒ The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 121.3(a)(5))

☒ The presence of wetlands adjacent (i.e. bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands (33 CFR 121.3(a)(7))

☒ The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), medinas, sandbars, wetlands, sloughs, prairie potholes, wet meadows, slacks lakes, or natural ponds).

☐ Other:

☐ Section 10 wetway.

Information Reviewed:

☐ U.S. Fish and Wildlife Service, National Wetland Inventory: FRANKFORT.


☐ U.S. Geological Survey 7.5-Minute Geographic Quadrangles:

☐ Aerials (Name & Date): Frankfurt, 2003.

☐ Advanced Identification Wetland Map:

☐ Site Visit Conducted:

☐ Other:

Rationale for Basis (apply to any boxes checked above): Wetlands A-F are hydrologically connected to a ditch that drains into a tributary in Hickory Creek. Hickory Creek discharges into the Des Plaines River, a navigable "waters of the United States." Wetland G is isolated and therefore not jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 121.3 and 129):

☐ Ordinary High Water Mark indicated by:

☐ clear, natural line impressed on the bank

☒ changes in the character of soil

☒ destruction of terrestrial vegetation

☒ deflection

☐ 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 title corvus

☒ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory bird title corvus criteria

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

Confirmation of Wetland Boundaries:

☐ This office concurs with your wetland delineation report dated . prepared by

☒ This office does not confirm your wetland boundary

Recommended by:

☐ ORIGINAL SIGNED:

☐ Date:

Approved by:

☒ ORIGINAL SIGNED:

☐ Date:

☒ Figure 1


2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river boms, 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:** 200400726  
**REGULATORY PROJECT MANAGER:** Melisa Cruz  
**Date:** 23 Aug 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office  
**At the project site:** Y  
**(Y/N) Date:** 19 Aug 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitude coordinates:** 41.28.47'  
87.59.60'  
**Approximate size of site/property (including uplands & in acres):**  
**Name of waterway or watershed:**

### SITE CONDITIONS:

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<th>0-1 ac</th>
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<th>3-5 ac</th>
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<th>25-50 ac</th>
<th>&gt; 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:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
<th>Net Able to Make Determination</th>
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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 cross state lines?</td>
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<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>
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</tbody>
</table>

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

### TYPE OF DETERMINATION:

- Preliminary [ ]  
- Or Approved [x]

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

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Prairie/View Development PROJECT LOCATION/WATERWAY: Northeast of the intersection of 88th Avenue and Manhattan-McNamer Road in Green Garden Township, Will County, Illinois.

FILE NUMBER: 20040608 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JDO) (For Sites regulated under 33 CFR 323-330). An approved JDO is an appealable action (33 CFR 251.2).

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

Basis of Jurisdictional Determination:

☒ There are no jurisdictional waters of the United States present on the project site.

☒ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)).

☒ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3(a)(2)).

☒ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3(a)(5)).

☒ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7)).

☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playas, 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: ________.
☒ Advanced Identification: Wetland Maps: ________.
☒ Other Information:______

Rationale for Basis (applies to any boxes checked above): The tributary to Forted Creek is jurisdictional due to its hydrologic connection to the Kankakee River, a navigable "water of the United States." Wetlands B-D are isolated and therefore not jurisdictional.

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

Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in the characters of soil
☐ other:

☐ destruction of terrestrial vegetation
☐ shading
☐ wetland boundary

Basis for Declining Jurisdiction:

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

☒ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(5) (attach copy of HQ rationale)

Confirmation of Wetland Boundaries:
☒ This office concurs with your wetland delineation report dated September 15, 2003, prepared by JN.
☐ This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 23 Aug 04

Approved by: __________________________ Date: ____________

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (HT Manual), i.e., occurrence of hydric vegetation, hydro site and wetland hydrology. Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1997).

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

Notes:
**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:** 200400201

**REGULATORY PROJECT MANAGER:**  
**Date:** 23 August 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
**At the office**  
(Y/N)  
**Date:** 23 August 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41.255285° 87.493.30°  
**Approximate size of site/property (including uplands & in acres):**  
**Name of waterway or watershed:** Kankakee

**SITE CONDITIONS:**

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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:**

<table>
<thead>
<tr>
<th>If Known</th>
<th>Use Best Professional Judgment</th>
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<td></td>
<td>Yes</td>
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</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 likely to trigger crops sold in interstate commerce?

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply 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 – site information or waters of the U.S. occurring onsite):**
APPLICANT: UP Development Scout Fish PROJECT LOCATION/WATERWAY: Woodstock/Walmart
FILE NUMBER: 200400781 PROJECT REVIEW COMPLETED: 0 Office Field
Approved Jurisdictional Determination (JDA) For sites regulated under 33 CFR 328-339. An approved JD is an appealable action. (33 CFR 331.2)
Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 226.3(a)(1)).
☐ The presence of interstate waters (including interstate wetlands), (33 CFR 328.3 (a)(2))
☐ The presence of tributary to an interstate or tidal 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 226.3 (a)(7))
☐ The presence of an isolated wetland (e.g., irrigation lakes, rivers, streams (including intermittent streams), mudflats, sandbars, wetlands, sloughs, prairie mudholes, wet meadows, playa lakes, or natural ponds).
☐ Other: Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: WOODSTOCK.
☐ (USGS) National Resources Conservation Service Soil Survey for McHenry County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles.
☐ Aerial Photographs (Name & Date): 2002.
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☐ Site Visit Conducted on: Other:

Rationale for Basis (applies to any box checked above): One isolated wetland exists along the eastern property boundary. Isolated wetlands are not under Department of the Army jurisdiction.

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

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria.
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria.
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(5) [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: [Signature]
Date: 8/19/04

Approving Off. [Signature]
Date: 8/2/04

*Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delegation Manual (RT Manual) (i.e., occurrences of hydrophytic vegetation, hydrologic soil test and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delegation Manual (RTF).
*Wetlands adjacent to other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also subject:

ORIGINAL SIGNED
**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:** 200400781

**REGULATORY PROJECT MANAGER:** Katie Bliss  
**Date:** August 20, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- **At the project site**  
- **(YN) Date:** June 20, 2004

**PROJECT LOCATION INFORMATION:**

- **State:** Illinois  
- **County:** McHenry  
- **Center coordinates of site by latitude & longitudinal coordinates:** 42° 15′ 51.7084, 88° 25′ 21.3148  
- **Approximate size of site/property (including uplands & in acres):** 30  
- **Name of waterway or watershed:** Fox River

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 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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</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 Factors:**

<table>
<thead>
<tr>
<th>Factor</th>
<th>Known</th>
<th>Unknown</th>
<th>Use Best Professional Judgment</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 good 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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<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>
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</tbody>
</table>

*Check appropriate boxes that best describe the 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 JD (eg., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine JD; 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: Kristina Hill Homes PROJECT LOCATION/WATERWAY: Fox River Watershed

FILE NUMBER: 20040619 PROJECT REVIEW COMPLETED: 0 Office Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 328-330). An approved JD is an applicable section (33 CFR 331.2)

Based on available information:

☐ There are no wetlands 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.

Habits 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 328.10(3))
☐ The presence of interstate waters (including instantaneous wetlands1) (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 adjacent1 (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. intermittent lakes, rivers, streams (including intermittent streams), mudflats, mudflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:
☐ Section 10 wayway.

Information Reviewed:

☐ U. S. Fish and Wildlife Service National Wetland Inventory: SUGAR GROVE.
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ Aerial Photographs (Name & Date): Digital 2001
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on: August 12, 2004 by Rainie Harms
☐ Other Information: June 9, 2004 Wetland Determination Report prepared by Engineering Consulting Services, Ltd.

Ratification for Basis (applies to any boxes checked above): There are 4 wetlands on the North Parcel of Settles Ridge, totaling approximately 15 acres. However, these wetlands do not have a current or demonstrable biotic surface water tributary system connection to a navigable wayway of the U.S. Therefore, these wetlands are not under the jurisdiction of the U.S. Army Corps of Engineers.

Lateral Extent of Jurisdiction (33 CFR 328.11 and 328.12):

☐ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the back
☐ the presence of litter and debris
☐ changes in the character of soils
☐ 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-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters attested 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.

Revised by: ORIGINAL SIGNED Date: 8/20/04

By: ___________________________ Date: ___________________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (77 Manual) (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 (77 Manual).

2Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river terraces, beach slopes, and levee 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:** 20040082

**REGULATORY PROJECT MANAGER:** Jaime Mannoli  
**Date:** August 18, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (YN)  
**Date:** August 16, 2004

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Kane  
Center coordinates of site by latitude & longitudinal coordinates: 52-25-42.1226  
Latitude: 41-45-16.7184, Longitude: 920  
**Name of waterway or watershed:** Fox

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Types of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear</th>
<th>Unknown</th>
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</tbody>
</table>

*Creek 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:**

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

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

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

APPLICANT: Dr. Javed Bangash PROJECT LOCATION/WATERWAY: Parcel located east of Nolan Road and north of the railroad tracks in unincorporated Spen. Kane County, Illinois (31° 14' of Section 30 and NE 1/4 of Section 31, T41N R5E)

FILE NUMBER: 200400929 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JJD) For site regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 351.2)

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:
- 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(a)(2))
- The presence of a tributary to an interstate or foreign water of the US (33 CFR 328.3(a)(3))
- The presence of wetlands adjacent to a tributary, estuaries, or shoreline (regardless of navigation or other waters of the US, except for those wetlands adjacent to other wetlands) (33 CFR 328.3(a)(4))
- The presence of a tributary to an estuary (i.e., impoundments, natural streams including intermittent streams), mudflats, sandbars, wetlands, sloughs, prairie potholes, wet meadows, prairie lakes, or natural ponds.

Other:
- Section 10 wetway.

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory: ELGIN.
- U.S. Geological Survey Hydrologist Affiliates: ELGIN, IL 147
- USGS Natural Resources Conservation Service Soil Survey for Kane County.
- Aerial Photographs (Name & Date): Digital Air 2001 & Digital Fall 2002, FEMA FIRM Map, NRCS Preliminary Wetland Map, NRCS Certified Farmed Wetland Determination
- Advanced Identification Wetland Maps.
- Sue Vise Concluded on: July 29, 2004 by James W. Humes of the USEPA, Chicago District

Rationale for Basis (applies to any box checked above): Wetland A is under the jurisdiction of the USEPA even though it has been separated from the large wetland complex to the south. Wetland A had a surface water tributary system connection to One Creek (which is tributary to the Fox River) prior to the construction of the railroad and is still jurisdictional. Wetland B does not continue south to the large wetland complex and the topography between Fitchie Creek and Wetlands B & M is high and therefore these wetlands do not appear to have a surface water tributary system connection north to Fitchie Creek. Fitchie Creek is jurisdictional on it is a tributary to the Fox River and therefore Wetland K along Fitchie Creek is also jurisdictional. Wetland L is an excavated ditch that ends in the center of the property and therefore does not have a surface water tributary system connection to Fitchie Creek and is isolated. Therefore, Wetland A, Wetland K & Fitchie Creek are under USEPA jurisdiction and Wetlands B, M & L are isolated.

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
- change in the character of silt
- destruction of terrestrial vegetation
- salting of vulnerable soils
- 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.
- Area under consideration is not likely to have been jurisdictional under post-SWANCC Migratory Bird Rule criteria.
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) (Attach copy of HQ rejection)

Confirmation of Wetland Boundaries:
- This office concurs with your wetland delineation report dated June 9, 2004, prepared by Cowhey, Gudmestad, Leck, Ltd.
- This office does not confirm your wetland boundary.

Recommended by: ORIGINAL SIGNED Date: 8/18/04

Approved by: Date: 9/2/04
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:

REGULATORY PROJECT MANAGER: 

PROJECT REVIEW/DETERMINATION COMPLETED: 

At the project site

(Y/N) Date: 

(Y/N) Date: 

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:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>1-3 ac.</th>
<th>1-5 ac.</th>
<th>5-10 ac.</th>
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<th>Linear %</th>
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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 Feature:

<table>
<thead>
<tr>
<th>Known Name</th>
<th>Unknown Name</th>
<th>Yes</th>
<th>No</th>
<th>Not Expected to Occur</th>
<th>Not Able To Make Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seabird</td>
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<td>Shorebird</td>
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<tr>
<td>Waterfowl</td>
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<tr>
<td>Migratory bird habitats protected by Migratory Bird Treaty Act</td>
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<tr>
<td>Migratory bird habitats protected by Migratory Bird Treaty Act</td>
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<tr>
<td>Migratory bird habitats protected by Migratory Bird Treaty Act</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; paragraphs 2-3 - estimated use 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: Pule Homee PROJECT LOCATION/WATERWAY: Hamley Property located south of Hamley Road and west of Bayr Road in Carpenterville, Kane County, Illinois (41°45'06.6"N of Section 10, T42N R7E) and 51°18'20.8"N of Section 12, T42N R7E)

FILE NUMBER: 204000891 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-339). An approved JD is an irrevocable 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 cbh 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 interstate water or other water of the US. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the US, except for these wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., irrigation lakes, rivers, streams (including intermittent streams), mudflats, sandflats, 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: CRYSTAL LAKE.
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: ELGIN, 1929
☐ Aerial Photographs (Name & Date): November 2001, no source
☐ Advanced Identification Wetland Maps:
☐ Site Visits Conducted on: July 29, 2004 by James W. Stamets of the USACE, Chicago District
☐ Other Information: The Wetland Assessment Report, dated July 6, 2004 prepared by CBREI.

Rationale for Basis (applicants to any boxes checked above): The Kickwater River flows through the middle of the site and is a water of the United States. Wetland 1, Wetland 4, Wetland 5, and Farmed Wetland 3 all have a surface water tributary system connection to the Kickwater River and are therefore under the jurisdiction of the U.S. Army Corps of Engineers. Wetland 2, Wetland 3, Farmed Wetland 1, and Farmed Wetland 2 do not have a surface water tributary system connection to the Kickwater River and are not regulated. Therefore, Wetlands 2 and 3 and Farmed Wetlands 1 and 2 are 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 (indicated by):
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in the elevation of soils
☐ demarcation of terrestrial vegetation
☐ wetland boundary
☐ wetland

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 jurisdictonal under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is likely to have been jurisdictonal 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

Recommended by: 

APPROVED by: 

Original Signed Date: 8/17/04

Date: 8/17/04

*Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (97 Manual) (i.e., occurrence of hydroperiod vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (98).
**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**

**DISPLAY OFFICE: Chicago**

**FILE NUMBER:** 200640091

**REGULATORY PROJECT MANAGER:** Jaimee Hammi

**Date:** August 16, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**

- **In the office** (Y/N): Yes
- **At the project site** (Y/N): No

**PROJECT LOCATION INFORMATION:**

- **State:** Illinois
- **County:** Kane
- **Center coordinates of site by latitude & longitudinal coordinates:** Lat: 42°6'-12.6, Lon: 88°21'-5.6
- **Approximate size of site/property (including uplands & in acres):** 100 acres
- **Name of waterway or watershed:** Kishwaukee

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 ac</th>
<th>6-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear ft</th>
<th>Unknown</th>
</tr>
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<tbody>
<tr>
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<td>Other water (describe 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 for size of non-jurisdictional aquatic resource area.

**Migratory Bird Rule Pfizer**

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>if Not Professional</th>
<th>If Professional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted to Other</td>
<td>Estimated to Occur</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Not Able To Make Determination</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? |
| Is used to irrigate crops used in interstate commerce? |

*Check appropriate boxes 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 NAB (e.g., paragraph 1 - site conditions; paragraphs 2-3 - radiances used to determine NAB, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):**
APPLICANT: DuPage County Department of Public Works
PROJECT LOCATION: DuPage County Government Complex-East Campus, Wheaton, DuPage County, Illinois
FILE NUMBER: 200400058 
PROJECT REVIEW COMPLETE: Office Field

Approved Jurisdictional Determination (JDD) (for sites regulated under 33 CFR 200-300). An approved JD is an appealable action. (33 CFR 323.2)

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 (a)(2))

☐ The presence of a tributary in an impervious water or other water of the US. (33 CFR 328.3 (a)(3))

☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to impervious 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, playa lakes, or natural ponds).

☐ Other: Section 10 waterway.

Information Reviewed:

☐ U.S. Fish and Wildlife Service National Wetland Inventory. NAPERVILLE.
☐ USDA Natural Resources Conservation Service Soil Survey for DuPage County.
☐ U.S. Geological Survey 7.5 Minute Topographic Maps. NAPERVILLE, IL.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles.
☐ U.S. Geological Survey 15 Minute Historic Quadrangles.
☐ Aerial Photographs (Name & Date)/September 1999
☐ Advanced Identification Wetland Maps
☐ Site Visit Conducted on:
☐ Other information:

Rationale for Basis (applicable to any boxes checked above): Waters of the U.S. within the project site do not have a hydrologic connection to a navigable water of the U.S. therefore they are isolated.

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

☐ Ordinary High Water Mark indicated by:

☐ Bay, natural, line impressed on the banks
☐ the presence of litter and debris
☐ changes in the character of soil
☐ other

Construction of Wetland Boundary:

☐ This office concurs with your wetland delineation as dated , prepared by

☐ This office does not confirm your wetland boundary.

Recommended by: Date: 12/09/97

Approved by: Date: 12/11/97

Rationale: This action [ ]

1 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river bends, 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: 200400005

REGULATORY PROJECT MANAGER: Diedra Willis
Date: August 12, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: April 29, 2004
At the project site (Y/N) Date: July 20, 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
Center coordinates of site by latitude & longitudinal coordinates: 41520.6026/8825.8639
Approximate size of site/property (including uplands & in acres): 
Name of waterway or watershed:

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-10 ac</th>
<th>10-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear ft</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
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<td>River</td>
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<td>waters of the U.S.</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 Factors:

<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 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?

Is used to irrigate crops and is interstate commerce?

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

TYPE OF DETERMINATION:

Preliminary [ ] Or Approved [x]

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

APPLICANT: Assam Development Corporation
PROJECT LOCATION/WATERWAY: 20 Acre Property Northeast of the intersection of Wolf Road and 159th Street in Orland Park, Cook County, Illinois (Sections 17, T36N, R12E).

FILE NUMBER: 200400918 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-339). An approved JD is an appealable action. (33 CFR 341.2)

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 wetlands (including intermittent wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an interstate or foreign water or other waters 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)(1))
☐ 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; MOKENA.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles: MOKENA, 1925.
☐ Acknowledgements (Name & Date): AirPhoto, Cook County 1999
☐ Advanced Identification of Wetland Maps:
☐ Site Visit Conducted on: 5 August 2004
☐ Other information:

Rationale for Basis (applies to any boxes checked above): 1.4-acre wetland on property drains to the north into another wetland in a residential subdivision. The second wetland drains into a storm sewer system at the north end, which directs the water to the north behind several houses before emptying into another large wetland detention complex and likely into another storm sewer system.

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

Approved by: [Signature] Date: [Date]

1. Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (57 Manual) (i.e., occurrence of hydrophytes vegetation, hydraulic soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (7/1987).
2. Wetlands separated from other waters of the U.S. by man-made 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: 20040018

REGULATORY PROJECT MANAGER: Steve Cagnone Date: 11 August 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office
(V/N) Date: Y 5 August 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Cook
Center coordinates of site by latitude & longitudinal coordinates:
Approximate size of site/property (including wetlands & in acres):
Name of waterway or watershed:

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 ac</th>
<th>5-20 ac</th>
<th>&gt;20 ac</th>
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<td>Lake</td>
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<td>Natural pond</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 State Factor:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Yes</th>
<th>No</th>
<th>Predicated to Occur</th>
<th>Not Expected to Occur</th>
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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 cross state line?</td>
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<td>Is or would be used as habitat for endangered species?</td>
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</table>

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird State to apply to on-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 3 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigability or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite)
APPLICANT: General Bucks Property PROJECT LOCATION/WATERWAY: Approximately 30 acres located north of Dubois Road, approximately 1,000 feet east of Pinkish Road, and west of and west of the Midwest Generation Waukegan Power Station property in Waukegan, Lake County, Illinois / Lake Michigan watershed.

FILE NUMBER: 200530681 PROJECT REVIEW COMPLETED: Office [Redacted]

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an unappellable action. (33 CFR 323.2)

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.

Rules 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 323.3(1))
- The presence of interstate waters (including interstate wetlands) (33 CFR 323.3(a)(2))
- The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 323.3(a)(5))
- The presence of wetlands adjacent (i.e., adjoining, contiguous, or neighboring) to interstate or other waters of the U.S. except for those wetlands adjacent to other wetlands (33 CFR 323.3(a)(7))
- The presence of an isolated water (e.g., impoundment 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: WAUKEGAN.
- USDA Natural Resources Conservation Service Soil Survey for Lake County.
- U.S. Geological Survey 7.5 Minute Historical Quadrangles:.
- U.S. Geological Survey 15 Minute Historic Quadrangles:.
- Advanced Identification Wetland Maps: LAKE COUNTY.
- Site Visit Conducted on: August 5, 2004
- Other Information: Wetland Deleterion Report

Rationale for Basis (applies to any boxes checked above): Site wetlands drain into a small ditch on the east property boundary that discharges at the SE corner of the site where there is no outlet.

Lateral Extent of Jurisdiction (33 CFR 323.40 and 329a)
- Ordinary High Water Mark indicated by:
- Isolated natural line impressed on the bank
- The presence of litter and debris
- Changes in the characteristics of soil
- Wetland boundary

Basis for Declining Jurisdiction:
- Unable to confirm the presence of waters (as defined in 33 CFR 323.3(a)(1), 323.3(a)(2), or 323.3(a)(6) through 323.3(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 non-jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.30(a)(5) (each copy of HQ estimate)

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

Recommended by: [Signature] Date: 7-1-04

Original Signed

Approved by:

Date:

1 Wetlands are identified on delineation using the methods and criteria established in the Corps Wetland Delineation Manual (8th Manual), i.e., occurrence of hydrophytic vegetation, hydrology, and wetland hydrology. Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (5th Manual).

2 Wetlands separated from other waters of the U.S. by man made dikes or barriers, natural river barriers, basin 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: 200300861

REGULATORY PROJECT MANAGER: Mike Michalek Date: 11 August 2004
PROJECT REVIEW DETERMINATION COMPLETED: In the office Y (Y/N) Date: 11 August 2004
At the project site Y (Y/N) Date: 05 August 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42.22511 87.41015
Approximate size of site/property (including uplands & in acres): 20 Acres
Nature of waterway or watershed: Lake Michigan

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 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>If Known</th>
<th>If Unknown</th>
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<tr>
<td>Use Best Professional Judgment</td>
<td>Not Able To Make Determination</td>
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</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 would be used as habitat for endangered species?
Is used to irrigate crop said to constitute 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 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: Phoenix Development Group, Inc. PROJECT LOCATION/WATERWAY: 60 Acre Property Southwest of the intersection of Milton and Fairfield Roads in Haverwood Woods, Lake County, Illinois (Section 31, Township 64N, Range 15W)

FILE NUMBER: 20040911 PROJECT REVIEW COMPLETED: Offci. 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 no jurisdictional waters on the project site.
☐ There are no 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, to satisfy the need for flood protection or other similar public need (33 CFR 328.3(a)(1))
☒ The presence of potentiometric surface informations which include intermittent wetlands. (33 CFR 328.3(a)(2))
☒ The presence of any tributary to an interstate water or other water of the US. (33 CFR 328.3(a)(2))
☒ The presence of wetlands adjacent and bordering, contiguous, or neighboring to interstate or other waters of the US, except for those wetlands adjacent or otherwise wetlands. (33 CFR 328.3(a)(2))
☒ The presence of an isolated water (e.g., impoundments, lakes, reservoirs, springs, including intermittent streams), wetlands, prairies, wet meadows, wet prairies, wetlands, prairies, wet meadows, wet prairies, or other similar public need.

Information Reviewed:
☒ U.S. Fish and Wildlife Service - National Wetland Inventory - LAKE ZURICH
☒ U.S. Geological Survey - Survey 7.5 Minute Topographic Maps - LAKE ZURICH, IL, 1998
☒ U.S. Geological Survey - Survey 7.5 Minute Historic Quadrangle - LAKE ZURICH, IL, 1899
☒ U.S. Geological Survey - Survey 15 Minute Historic Quadrangle - LAKE ZURICH, IL, 1899
☒ Aerials (Name & Date): Lake County 2000
☒ Advanced Identification Wetland Maps - LAKE COUNTY
☒ Site Visit Conducted on: 2 August 2004
☐ Other Information:

Rationale for Basis (applicable to any boxes checked above): Wetland C, as identified in the wetland determination, is part of the headwaters of Indian Creek, which flows into the Des Plaines River, a navigable water and is under jurisdiction of this office. The wetland is nominally considered a wetland, as the water surface is above 24 feet or more, but does not appear to have a surface hydrologic connection to navigable waters and are not under jurisdiction of this office.

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
☐ flooding
☒ other

Issues 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 Risk criteria
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Risk criteria
☒ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3)[match copy of HQ's memos]

Confirmation of Wetland Boundaries:
☒ This office concurs with your wetland delineation report dated July 2004, prepared by Planning Resources, Inc.
☒ This office does not confirm your wetland boundary

Recommended by: ORIGINAL SIGNED Date: 8/10/04

Approved by: Date: 8/10/04

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual), (i.e., occurrence of hydrophytic vegetation, hydrology and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
2 Wetlands separated from other waters of the U.S. by non-permanent lakes or barriers, natural river channels, 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:** 2004003911

**REGULATORY PROJECT MANAGER:** Steve Gugnon  
**DATE:** 10 August 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
**IN THE OFFICE**  
**AT THE PROJECT SITE**  
**(Y/N)**  
**DATE:** 2 August 2004

**PROJECT LOCATION INFORMATION:**
- **State:** Illinois  
- **County:** Lake  
- **Center coordinates of site by latitude & longitudinal coordinates:** 42°14′46″.8077″; 88°4′41″.188″  
- **Approximate size of site/property (including uplands & in acres):** 60  
- **Name of waterway or watershed:** Des Plaines and Fox Rivers

**SITE CONDITIONS:**

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<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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</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 Wetlands Factor:**

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<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
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*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to on-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 consequences; 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:  Timber Trails County Club  PROJECT LOCATION/WATERWAY:  100 Acre Property at 11350 Plainfield Road in LaGrange, Cook County, Illinois (Sections 17 & 18, TMN, 8325)

FILE NUMBER:  32620000  PROJECT REVIEW COMPLETED:  [ ] Office [ ] Field

Approved jurisdictional Determination (JD)  (For Sites regulated under 33 CFR 326-330). An approved JD is an appealable action. (37 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.
[ ] These 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)(3))

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 when such wetlands are non-navigable waters of the US. (33 CFR 328.3(a)(7))

The presence of an isolated water (e.g., temporary lakes, rice paddies, 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: HINSDALE.
USDA Natural Resource Conservation Service Soil Survey for Cook County.
U.S. Geological Survey 7.5 Minute Topographic Maps: HINSDALE, IL.
U.S. Geological Survey 7.5 Minute Historic Quadrangles.
U.S. Geological Survey 15 Minute Historic Quadrangles.
ArcView (National Data Anarch 1999)
Advanced Identification Wetland Maps.
Site Visit Conducted on:  5 August 2004
Other information:

Rationale for Basis (apply to any boxes checked above):  Wetland Areas C, D and E are part of or drain into Flag Creek, a tributary to the 10th Points River, a navigable water and are under jurisdiction of this office. Wetland areas A and B do not appear to exhibit a hydrologic surface connection to navigable waters and are not under jurisdiction of this office.

Lateral Extent of Jurisdiction (33 CFR 326 and 330):
Ordinary High Water Mark indicated by:
[ ] clear, natural line impressed on the bank
[ ] alteration of terrestrial vegetation
[ ] defined soil
[ ] other:

Wetland boundary:

Basis for Declining Jurisdiction:
[ ] Unable to confirm the presence of waters listed in 53 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 not 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

Recommended by:  [ ] ORIGINAL SIGNED  Date: 8/10/04

[ ] This office does not confirm your wetland boundary.

Approved by:  [ ] Date:

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

2 Wetlands separated from other waters of the 5-6 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 CALIF. COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 20040090  
**REGULATORY PROJECT MANAGER:** Steve Gagnon  
**Date:** 9 August 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
**In the office** (Y/N) **Date:**  
**At the project site** (Y/N) **Date:** 5 August 2004

**PROJECT LOCATION INFORMATION:**

- **State:** Illinois  
- **County:** Cook  
- **Center coordinates of site by latitude & longitudinal coordinates:** 41°46.54.8760; 87°54.9.4769  
- **Approximate size of site/property (including uplands & in acres):** 100  
- **Name of waterway or watershed:** Des Plaines

**SITE CONDITIONS:**

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

**Migratory Bird Rule Factored:**

<table>
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<th>If Known</th>
<th>If Unknown</th>
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<tr>
<td>Use Best Professional Judgment</td>
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<tr>
<td>Yes</td>
<td>No</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?  
- 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 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 of the U.S. occurring onsite):**
APPLICANT: Lakewood Homes
PROJECT LOCATION/WATERWAY: Lakewood Homes Property at the intersection of Green Bay and Waverly Roads in Brown, Lake County, Illinois Sections 19 & 24, T4N, R11E2E.
FILE NUMBER: 200408356
PROJECT REVIEW COMPLETED: No, Office Field
Approved Jurisdictional Determination (JD): No, Appendix D. An approved JD is a prerequisite to the application.
(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 no 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 or other water of the U.S. (33 CFR 324.3(b)(5))

The presence of wetlands adjacent to bordering, contiguous, or neighboring to interstate or other waters of the US, except for those wetlands adjacent to other wetlands (33 CFR 328.3 (a)(7))

The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandbars, wetlands, sloughs, private ponds, wet meadows, prairie potholes, wet meadows, prairie potholes, and natural ponds).

Other:

Section III: Waterway

Information Reviewed:

U. S. Fish and Wildlife Service National Wetland Inventory: WADSWORTH.


U. S. Department of Agriculture 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 (Name & Date) Lake County 2006

Advanced Identification Wetlands Maps: LAKE COUNTY.

Site Visit Concluded on: 2 Aug 2004

Other information:

Rationale for Basis (applies to any basis checked above): Wetland 1 drains to the north into a tributary to the Des Plaines River, a navigable water. Wetland 2 drains to the southeast into a drainage swale that is evident on the aerial photos and swale in the field. Wetland 3 drains into a unnamed tributary to the Des Plaines River. Wetlands 1-3 all appear to drain into the neighborhood to the north, then disappear into the storm sewer system. Wetlands 4-6 and Forested Wetlands 1-3 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:

- Line, natural or improved on the bank
- Presence of litter and debris
- Change in the character of soil
- Wetland boundary

Destruction of terrestrial vegetation

Bluestem grass

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)(9)

Area order consideration is not likely based on pre-SWANCC Jurisdictional Rule criteria

Confirmed Jurisdictional Boundaries:

This office concurs with your wetland delineation report dated , prepared by

Recommended by:

Date: 6 Aug 2004

Approved by:

Date:

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

Wetlands removed from other waters of the U.S. by man-made dikes or impoundments, natural river barriers, beach dunes, and the like are also adjacent.
### 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:** 200400356  
**REGULATORY PROJECT MANAGER:** Steve Gagnon  
**Date:** 6 August 2004

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

**PROJECT LOCATION INFORMATION:**  
*State:* Illinois  
*City:* Chicago  
*Center coordinates of site by latitude & longitudinal coordinates:* 42.27-0.6584; 87.53-7.6193  
*Approximate size of site/property (including uplands & in acres):* 1396  
*Name of waterway or watershed:* Des Plaines

### SITE CONDITIONS:

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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-20 ac</th>
<th>25-50 ac</th>
<th>&gt;50 ac</th>
<th>Lake</th>
<th>River</th>
<th>Stream</th>
<th>Dry Wash</th>
<th>Modirat</th>
<th>Sandbar</th>
<th>Wetlands</th>
<th>Slough</th>
<th>Prairie pothole</th>
<th>Wet meadow</th>
<th>Playa lake</th>
<th>Vernal pool</th>
<th>Natural pond</th>
<th>Other water (Describe type)</th>
<th>Liason Sheet</th>
<th>Unknown</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 site of non-jurisdictional aquatic resource area.*

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### Migratory Bird Rule Analysis:

<table>
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<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
<th>Not Able To Make Determination</th>
</tr>
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<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted in Order</td>
<td>Not Exposed in Order</td>
</tr>
</tbody>
</table>

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

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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – criteria 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: Harvest Bible Chapel  PROJECT LOCATION/WATERWAY: Fox River Watershed
FILL NUMBER: 200300827  PROJECT REVIEW COMPLETED:  (Office #) Field

Approved jurisdictional determinations (JDI) for sites regulated under 33 CFR 325-330. An approved JDI is an approvable 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 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 or intrastate water of the US. (33 CFR 328.3(a)(5))

☐ The presence of wetlands adjacent (i.e., bordering, contiguous, or neighboring) to intrastate or interstate 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., intrastrat lake, river, stream (including intermittent streams), mounds, sandflats, weifalands, shoals, prairie potholes, wet meadows, playa lakes, or natural ponds).

☐ Other: Section 10 waterway.

* Information 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 Historic Quadrangles: ________

☐ U.S. Geological Survey 15 Minute Historical Quadrangles: ________

☐ Aerial Photographs (Name & Date); Terraces, no date

☐ Advanced Identification Wetland Maps:

☐ Site Visit Conducted on: October 8, 2000 and July 22, 2000 by James Hamil.


Rationale for Basis (applies to any basis checked above) This is a revised jurisdictional determination basis from which supersedes the previous basis form dated October 17, 2000. Tyler Creek is a tributary to Fox River as it is therefore under the jurisdiction of the U.S. Army Corps of Engineers. Wetlands 1 (designated as such in the report, Inc. report cited above) is directly adjacent to Tyler Creek, so there is a direct surface water tributary system connection to Tyler Creek. Therefore, Wetland 1 is also under the jurisdiction of the U.S. Army Corps of Engineers. Additional wetlands were delineated on the project site. These Wetlands 1-6 do not have a current or demonstrable historic surface water tributary system connection to a navigable waterway of the U.S. Therefore, Wetlands 2-6 are isolated and are 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 indicated by:

☐ clear, natural line impressed on the bank

☐ the presence of Vurt and debris

☐ changes in the character of soils

☐ wetland boundary

☐ destruction of terrestrial vegetation

☐ shelving

☐ other

Basis for Declining Jurisdiction:

☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)

☐ Area under consideration is 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)

Confirmation of Wetland Boundaries:

☐ This office concurs with your wetland delineation report dated July 26, 2005 and August 14-15, 2003, prepared by Enpac Inc.

☐ This office does not confirm your wetland boundary.

Recommended by: S Date: 8/16/04

Approved by: S Date: 8/16/04
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: 200300827
REGULATORY PROJECT MANAGER: Jaimie Hazenas
Date: 05 August 2004

PROJECT REVIEW/DETERMINATION COMPLETED:
In the office Y (V/N) Date: 03 August 2004
At the project site Y (V/N) Date: 22 July 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates: Latitude: 42-3-22.3806; Longitude: 88-
Approximate size of site/property (including uplands & in acres): Fox River Watershed (Tyler Creek)

SITE CONDITIONS:

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<th>0-1 ac</th>
<th>1-2 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 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 Factors:

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<th>If Known</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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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<td>Is or would be used as habitat for endangered species?</td>
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<tr>
<td>Is or would be used as habitat in interstate commerce?</td>
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</table>

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to moist, 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: Snake Promotions
PROJECT LOCATION: WATERSWAYS: Central Avenue and Saus Trail Road in the Village of Richton Park, Cook County, Illinois

FILE NUMBER: 200600777  PROJECT REVIEW COMPLETED: ☑ Office ☑ Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 328.30-330). An approved JD is an appealable action. (33 CFR 328.3)

Based on available information:
☐ There are no waters in 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 328.30(1)
☐ The presence of interstate waters (including interstate wetlands). (33 CFR 328.3(a)(2))
☐ The presence of tributary to interstate waters or other waters of the US. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent (i.e., bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:
Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: STEIGER.
☐ 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: _____________________
☐ ArcSINH Name & Decoy. 2002
☐ Advanced Hydrologic Wetland Maps: _____________________
☐ Site Visit Conducted on: June 3, 2004
☐ Other:

Rationale for Basis (apply to any box checked above): Wetlands and waters of the U.S. within project site have no hydrological connection, therefore they are isolated.

Lateral Extent of Jurisdiction (33 CFR 328.3 and 259):
Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ changes in character of soil
☐ wetland boundary
☐ other:
☐ destruction of terrestrial vegetation
☐ flooding

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
☐ Other:

Headquarters declined to approve jurisdiction on the basis of 328.5(a)(3) (attach copy of HQ rationale)

Confimation of Wetland Boundaries:
☐ This office concurs with your wetland delineation report dated _______________________.
☐ This office does not confirm your wetland boundary.

Recommended by: __________________________ Date: __________________________

Approved by: __________________________ Date: __________________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (77 Manual) (e.g., occurrence of hydrophytic vegetation, hydrologic and wetland hydrology). Processes for determining wetlands on agricultural land may vary from methods described in the Corps Wetland Delineation Manual (1987).
2Wetlands removed from; other waters of the U.S. by man-made dikes or barriers, natural river braids, 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

REGULATORY PROJECT MANAGER: Dierdra Willis

DISTRIBUTE OFFICE: Chicago
PREF NUMBER: 200400777

PROJECT REVIEW/DETERMINATION COMPLETED: At the project site

PROJECT LOCATION INFORMATION:

State: Illinois
County: Cook
Center coordinates of site by latitude & longitudinal coordinates: 41°29'21"N 87°44'54"W
Approximate size of site/property (including uplands & in acres): 80 acres
Name of waterway or watershed:

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 ac</th>
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<th>10-15 ac</th>
<th>15-25 ac</th>
<th>&gt; 25 ac</th>
<th>Linear feet</th>
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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 Role Factors:

<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>Predominantly</th>
<th>Not Expected to Occur</th>
<th>Not Able to Make Determination</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is or would be used as habitat for other migratory birds that cross state lines?</th>
<th>Yes</th>
<th>No</th>
<th>Predominantly</th>
<th>Not Expected to Occur</th>
<th>Not Able to Make Determination</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is it an upland, not subject to inundation?</th>
<th>Yes</th>
<th>No</th>
<th>Predominantly</th>
<th>Not Expected to Occur</th>
<th>Not Able to Make Determination</th>
</tr>
</thead>
</table>

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

OPTIONAL ADDITIONAL INFORMATION SUPPORTING JUDGMENT (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: T.J. Castle Builders  PROJECT LOCATION/WATERWAY: Northeast of the intersection of 78th Avenue and Route 30 in Frankfort, Will County, Illinois  FILE NUMBER: 20000038

PROJECT REVIEW COMPLETED: Office Field  Approved Jurisdictional Determination (JD): For Sites regulated under 33 CFR 328-330. An approved JD is an appealable action. (33 CFR 323.3)

Based on available information:

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

Basis of Jurisdictional Determination:

☒ There are no jurisdictional waters of the United States present on the project site.
☒ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent (i.e., bordering, contiguous, or neighboring) to intrastate 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 streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or mineral ponds).
☒ Other:
☐ Section 10 waterway

Information Reviewed:

☒ U.S. Fish and Wildlife Service National Wetland Inventory: TINLEY PARK
☒ 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: June 24, 2004
☒ Other information:

Rationale for Basis (applies to any box checked above): Wetlands 1-3 are isolated and therefore non-jurisdictional.

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

Recommended by: __________________________ Original Signed __________________________ Date: 3/19/04

Approved by: __________________________ Date: __________________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (SWANCC Manual) (i.e., occurrence of hydrologic vegetation, hydrology, soils and wetland hydrology). Processes for determining wetlands 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 man-made dikes or barriers, natural river breezes, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FC 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: 200400336

REGULATORY PROJECT MANAGER: Melinda Cruz Date: 2 Aug 2004

PROJECT REVIEW DETERMINATION COMPLETED: At the project site Y (Y/N) Date: June 24, 2004

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: 41.30.27.94
Approximate size of site/property (including uplands & in acres): 87.45.13.66
Name of waterway or watershed: Des Plains

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-5 ac</th>
<th>5-9 ac</th>
<th>10-15 ac</th>
<th>15-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
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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 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>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted 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? |   |   |   |   |   |
| Is used in brackish crops used to harbor migratory birds? |   |   |   |   |   |

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

TYPE OF DETERMINATION:

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):

Preliminary ☐ Or Approved ☑
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: DeWitt Group and Associates
PROJECT LOCATION/WATERWAY: McHenry County, Illinois

FILE NUMBER: 200400784
PROJECT REVIEW COMPLETED: ☐ Office Field

Approved Jurisdictional Determination (JDs) For sites regulated under 33 CFR 320-300. An approved JD is an appealable action. (33 CFR 320.23) An approved JD is an appealable 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 Determinations:
☐ There are non-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 jurisdictional waters (including intermittent wetlands). 33 CFR 328.3 (a)(2)(i)
☐ The presence of a tributary to an interstate or foreign water or other waters of the US. (33 CFR 328.3 (a)(5))
☐ The presence of wetlands adjacent 2, (bordering, contiguous, or neighboring) to interstate or foreign waters 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 (i.e., in intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other: Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: HUNTLEY.
☐ USDA Natural Resources Conservation Service Soil Survey for McHenry County.
☐ Aerial Photographs (Name & Date) 2002.
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☐ Site Visit Conducted on: June 17, 2004.

Eligibility and Limitations:

Rationale for Basis (apply to any boxes checked above): Our isolated wetland and one isolated fenced wetland occur on 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:
☐ clear, natural line impressed on the bank
☐ the presence of litter and detritus
☐ 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-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

Recommended by: __________________________ Date: __________

Approved by: __________________________ Date: __________

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydric vegetation, hydric soils and wetland hydrology). Processes for identifying 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 non-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

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<thead>
<tr>
<th>DISTRICT OFFICE:</th>
<th>Chicago</th>
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<tbody>
<tr>
<td>FILE NUMBER:</td>
<td>200600784</td>
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<tr>
<td>REGULATORY PROJECT MANAGER:</td>
<td>Kate Bliss</td>
</tr>
<tr>
<td>Date:</td>
<td>8/2/04</td>
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#### PROJECT REVIEW/DETERMINATION COMPLETED:
- In the office (Y/N): Y
- At the project site (Y/N): Y
- Date: 8/7/04

#### PROJECT LOCATION INFORMATION:

- State: Illinois
- County: McHenry
- Center coordinates of site by latitude & longitudinal coordinates: 42.12-5.0191, 88.22-55.9761
- Approximate size of site/property (including uplands & in acres): 100
- Name of waterway or watershed: Kishwaukee River

#### 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>5-10 ac</th>
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<th>Linear feet</th>
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<td>Dry Wash</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 Factors:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>Predicted to Occur</td>
</tr>
<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 than those protected by Migratory Bird Treaty?</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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</table>

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

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

#### OPTIONAL ADDITIONAL INFORMATION SUPPORTING NO J:\D (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJ:\Ds, including information reviewed in above potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring elsewhere):