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

APPLICANT: Lake Co FPD
PROJECT LOCATION/WATERWAY: unnamed trib to Redwing Slough and Mill Creek
FILE NUMBER: 2400540705
PROJECT REVIEW COMPLETED:  Other Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 328-330). An approved JD is an appealable action (33 CFR 331.2): Based on available information:

☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are 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 injurious 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)(6))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to interstate or other waters of the U.S., except for those wetlands adjacent to other wetlands (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., intermittent lakes, rivers, streams including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wetmeadows, playa lakes, or natural ponds).
☐ Section 16 wetwars.

Information Reviewed:

☐ U. S. Fish and Wildlife Service National Wetland Inventory: 
☐ U. S. Geological Survey Hydrologic Atlas: 
☐ USDA Natural Resources Conservation Service Soil Survey for Lake County: 
☐ U. S. Geological Survey 7.5 minute Historic Quadrangles: 
☐ U. S. Geological Survey 15 minute Historic Quadrangles: 
☐ Advanced (identification Wetland Maps: LAKE COUNTY.
☐ Site Visit Conducted on: March 11, 2005
☐ Other Information:

Rationale for Basis (applies to any boxes checked above): Wetlands 1-7, 11, & 12 all have a surface connection to a navigable water of the United States and are therefore also waters of the United States under the jurisdiction of the Department of the Army. Wetlands 1-7 are tributary to the Des Plaines River, a navigable water of the United States below Hoffman Dam, via an unnamed tributary to Mill Creek and Mill Creek. Wetlands 11 & 12 have a surface connection to the Fox River via an unnamed tributary to Redwing Slough and Sequoyt Creek. Wetlands 10 and 13 do not have a known surface or subsurface connection to a navigable water of the United States and are therefore not under the jurisdiction of 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 debris
  ☐ changes in the character of soil
  ☐ wetland boundary
  ☐ destruction of terrestrial vegetation
  ☐ shelling
  ☐ 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)(6) 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 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 April 2005, prepared by Hey and Associates, Inc.
☐ This office does not concur with your wetland boundary

Recommended by: Date:

☐ This office declines to approve this wetland boundary

☐ This office concurs with your wetland boundary

Approved by: Date:

☐ 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, wet-dry soils, and wetland hydrology). Provisions for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (87 Manual).

☐ Wetlands separated from other waters of the U.S. by man-made dikes of barriers, natural river benches, beach armor, 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: 200500703

REGULATORY PROJECT MANAGER: Michael Murphy Date: 9-1-2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 9-1-2005
At the project site (Y/N) Date: 3-11-2005
PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42° 29.6914, 88° 23.38235
Approximate size of site/property (including uplands & in acres): 100
Name of waterway or watershed: Fox and Des Plaines

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>5-15 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mussel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandbar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie potholes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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 Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td></td>
</tr>
<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td></td>
</tr>
<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td></td>
</tr>
<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
<td></td>
</tr>
</tbody>
</table>

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

TYPE OF DETERMINATION:

PRELIMINARY □ OR APPROVED □

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 = site conditions; paragraphs 2-3 = rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 = site information on waters of the U.S. occurring onsite):
APPLICANT: Shadrin, Inc. PROJECT LOCATION/WATERWAY: 402 acres and 367 acres located in Redland and Plato Townships, Kane County, Illinois (Sections 27, 33 and 34, T42N R1E and Sections 2 and 3, T41N R1E)

FILE NUMBER: 200400785 PROJECT REVIEW COMPLETED: 0/0/0

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

Based on available information:

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

Basis of Jurisdictional Determination:

☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of 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 adjacent1 to bordering, contiguous, or neighboring to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:

Section 10 waterway.

Information Reviewed:

☐ U. S. Fish and Wildlife Service National Wetland Inventory: PINEGROVE GROVE.
☐ USGA: Natural Resources Conservation Service Soil Survey for Kane County.
☐ U. S. Geological Survey 7.5 Minute Topographic Maps.
☐ Aerial Photographs (Name & Date): DigitAir, Spring 2001 and Fall 2002.
☐ Advanced Identification Wetland Maps: KANE COUNTY.
☐ Site Visit Conducted on: July 1, 2004 by Jacky Weiss of the USEPA, Chicag District.
☐ Other information. The information submitted to this office by Marinilingual, Environmental, dated March 29, 2005

Rationale for Basis (applies to any boxes checked above): All of the wetlands (including farmed wetlands) on the 402 acres north of Pingree Grove and the 367 acres south of Pingree Grove have a surface water tributary system connection to Pingree Creek except the 402 acres west of Pingree and Wetland 1 on the 367 acres. Pingree Creek flows into Tyler Creek, which is tributary to the Fox River, a navigable waterway. Therefore, the aforementioned wetlands that have a surface water tributary system connection to Pingree Creek are under the jurisdiction of the U.S. Army Corps of Engineers.

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

☐ clear, natural line impressed on the bank
☐ destruction of terrestrial vegetation
☐ the presence of litter and debris
☐ shading
☐ changes in the character of soils
☐ other:

☐ wetland boundary

Basis for Declining Jurisdiction:

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

☐ Approved by:

☐ Date: Date:

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (30 Manual) (i.e., occurrence of hydrothermic vegetation, hydroic soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

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

pDISTRICT OFFICE: Chicago
FILE NUMBER: 20040783

REGULATORY PROJECT MANAGER: Jaime Hardest Date: 09/02/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 09/02/05
At the project site (Y/N) Date: 07/01/04

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates: Lat: 42-4-44, Lon: 88-24-26
Approximate size of site/property (including uplands & 10 acres): 402 acres + 367 acres
Name of waterway or watershed: 

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-2 ac</th>
<th>2-5 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>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mudflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lakes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use Best Professional Judgment</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>In ac were used as habitat for birds protected by Migratory Bird Treaties?</td>
<td></td>
</tr>
<tr>
<td>In ac were used as habitat by other migratory birds that cause state losses?</td>
<td></td>
</tr>
<tr>
<td>Is ac used as habitat for endangered species?</td>
<td></td>
</tr>
<tr>
<td>Is used for irrigate crops used in interstate commerce?</td>
<td></td>
</tr>
</tbody>
</table>

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

TYPE OF DETERMINATION:

POSSIBLE ADDITIONAL INFORMATION SUPPORTING NJR (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJR, 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: Stream Management PROJECT LOCATION/WATERWAY: Northeast of the intersection of Oblerdorf Road and Kuehn Road in Monroe, Will County, Illinois FILE NUMBER: 200500412 PROJECT REVIEW COMPLETED:  Office Field

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

Based on available information:
- There are no wetlands 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 theebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3(a)(2))
- The presence of tributary to an intermittent or perennial or other water of the U.S. (33 CFR 328.3(a)(5))
- The presence of wetlands adjacent (wetland ponds, swamps, sloughs, prairie potholes, wet meadows, physiologic ponds) (33 CFR 328.3(a)(6))
- The presence of an isolated water (e.g., intrastate lakes, reservoirs, streams including intermittent streams), inland, wetlands, sloughs, prairie potholes, wet meadows, physiologic ponds, natural ponds)
- Other:

Section 10 wetway.

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory: STEIGER.
- USDA Natural Resources Conservation Service Soil Survey for Will County.
- U.S. Geological Survey 7.5 Minute Base Quadrangles:
- U.S. Geological Survey 15-Minute Quadrangles:
- Aerials (Name & Date): Monoc 1997
- Advanced Identification Wetland Maps:
- Site Visit Conducted on: August 10, 2005
- Other information:

Rationale for Basis (apply to any boxes checked above): Wetland 1 and 2 are vented and therefore not jurisdictional. Waters of the U.S. t tributary to Deer Creek via a roadside drainage swale. There is a wetland that is not identified, in the November 19, 2008 delineation report. This wetland is located at data point 14 which is adjacent to Waters of the U.S. Specifically located at the southwest corner of the parcel and in jurisdictional. The farmed wetland located to the southeast of Oblerdorf Road is isolated and therefore not jurisdictional. Lastly, the farmed wetland located immediately north of Oblerdorf Road is 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 character of soil
  - wetland boundary
  - destruction of terrestrial vegetation
  - shoreline
  - 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)(5) [attach copy of HQ rationale]

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

Recommended by: Date: 3 Aug 05

Approved by: Date: 3 Aug 05
**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:** 20050412

**REGULATORY PROJECT MANAGER:** Melissa Cruz  
**Date:** 26 August 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
**In the office:** Y  
**At the project site:** Y  
**Date:** 3 Jul 2005

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41 24' 33.86" & 87 42' 12.94"  
**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 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dye Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middlet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frazil ground</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wee meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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 Site Factors:**  

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Migratory Bird Site Factors</th>
<th>Predicated to Occur</th>
<th>Not Expected to Occur</th>
<th>Not Able to Make Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Check appropriate boxes that best describe potential for availability of the Migratory Bird Site 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—rational used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and, paragraph 4—site information on waters of the U.S. occurring onsite):**
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: NWB Real Estate
PROJECT LOCATION/WATERWAY: Southeast of Deep Haven and Route 6 in Will County, Illinois
FILE NUMBER: 20005090
PROJECT REVIEW COMPLETER: Office Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-339). 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 and non-jurisdictional waters on the project site.

Based on Jurisdictional Determination:
☐ There are non-jurisdictional waters of the United States present on the project site.
☐ There are no 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 subjected 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 inuvial 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 (i.e., bordering, contiguous, or neighboring) to inuvial or other waters of the US. except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7)).
☐ The presence of an isolated water (i.e., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandbars, 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: JOLLET.
☐ USGS 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): JOLLET, 1997
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on: August 22, 2005
☐ Other information:

Rationale for Basis (applies to boxes checked above): Wetland A and B are hydrologically connected to Spring Creek, Spring Creek drains into Des Plaines River, a navigable water of U.S. Wetlands C-G are isolated and therefore not jurisdictional. Wetland H is adjacent to Wetland B, which is a tributary to Spring Creek, and is therefore jurisdictional.

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

Confirmation of Wetland Boundaries:
☐ This is the final delineation with wetland delineation report dated, prepared by .
☐ This office does not confirm your wetland boundary

Recommended by: ___________________________ Date: 1 Sep 05

Approved by: ___________________________ Date: 1 Sep 05

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

1 Wetlands separated from other waters of the U.S. by man-made dikes or 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:** 200550963  
**REGULATORY PROJECT MANAGER:** Melissa Cruz  
**Date:** 31 August 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- **State:** Illinois  
- **County:** Will  
- **Center coordinates of site by latitude & longitude:** 41 32 34.5 & 88 02 0.12  
**Approximate size of site/property (including uplands & in-lands):**  
**Name of waterway or watershed:**

### SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rivers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Streams</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private pondicles</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

### Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th></th>
<th>If Known</th>
<th>If Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Is or would be cited as a habitat for birds protected by Migratory Bird Treaty?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Is it or would be used as habitat for endangered species?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Is it or would be used as wetland in interstate commerce?</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

*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 NVIDIA (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: Danield Group Project LOCATION/WATERWAY: Phase Two Weatherstone Lakes Residential Development Northeast of Tremaine Avenue and Lincoln Highway in Sauk Village, Cook County, Illinois (Section 19, T5N, R15E).

FILE NUMBER: 200500970 PROJECT REVIEW COMPLETED: ☐ Office ☐ Field

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

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

Basis of Jurisdictional Determination:
☒ There are no jurisdictional waters of the United States present on the project site.
☒ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☒ The presence of interstate waters (including intertidal wetlands) (33 CFR 328.3 (a)(2))
☒ The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3 (a)(5))
☒ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to 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:
☐ U.S. Geological Survey Hydrologic Atlas:
☐ USDA Natural Resources/Conservation Service Soil Survey for Cook County.
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ U.S. Geological Survey 15 Minute Historic Quadrangles:
☐ Airsats (Name & Date): AirPhoto 1999
☐ Advanced Identification: Wetland Maps: ____________________________
☐ Site Visit Conducted on: 16 Aug 2005
☐ Other information:

Rationale for Basis (apply to any boxes checked above): Several small wetlands were scattered across the site, but did not appear to exhibit a hydrologic surface connection to navigable waters. Wetlands on property are not under jurisdiction of this office.

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

Basis for Declining Jurisdiction:
☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☒ Area under consideration is not likely 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: 9/16/05

Approved by: ____________________________ Date:

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Definition Manual (1997) (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 Definition Manual (1997).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river terraces, beach dunes, and the like are also adjacent.
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: Steve Ogum Date: 3 September 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: At the project site Y (Y/N) Date: 16 August 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Cook
Center coordinates of site by latitude & longitudinal coordinates: 41°30'43.6916; 87°33'20.6944
Approximate size of site/property (including uplands & in acres): 10
Name of waterway or watershed: Little Cahowet River

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>Linear Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
</tr>
<tr>
<td>Wetland</td>
<td></td>
</tr>
<tr>
<td>Other water (partly or type)</td>
<td></td>
</tr>
</tbody>
</table>

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

Migratory Bird Rule Factors:

If Known | If Unknown
Use Best Professional Judgment

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Predicted to Occur</th>
<th>Not Expected to Occur</th>
<th>Not Able to Make Determination</th>
</tr>
</thead>
</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 mitigate effects of intermittent wetlands?

*Check appropriate box that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intermittent 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: Dan Lake Ventures PROJECT LOCATION/WATERWAY: Apexx 80-acre parcel located north of Freeman Road and west of Powers Road in Round Lake Township, Kane County, Illinois (33 CFR 331.2)

FILE NUMBER: 20050727 PROJECT REVIEW COMPLETED: 04/28/06 Field

Approved Jurisdictional Determination (FD) (For sites regulated under 33 CFR 328-330). An approved FD is an appealable action. (33 CFR 331.2)

Based on available information:

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

Basis of Jurisdictional Determination:

There are no jurisdictional waters of the United States present on the project site.
The presence of waters which are currently wet, 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)(5))
The presence of a tributary to an intermittent water or other water of the U.S. (33 CFR 328.3(a)(5))
The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the U.S., except for those wetlands adjacent to other wetlands (33 CFR 328.3(a)(7))
The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent perennial), meadows, sandbars, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
Other:

Section 10 waterway.

Information Reviewed:
- U. S. Fish and Wildlife Service National Wetland Inventory: HUNTLEY.
- USDA Natural Resources Conservation Service Soil Survey for Kane County.
- U. S. Geological Survey 7.5 Minute: Historic Quadrangles.
- Aerial Photographs (Name & Date) Digitized, Spring 2001, SCS/Spring, 1993.
- Advanced Identification, Wetland Maps: KANE COUNTY.
- Site Visit Conducted: 4/19/06 by Lynda W. Harrison of the USACE, Chicago District.
- Other information: USGS Hydrological Atlas, Fingreen Gravel Quad, FEMA FIRMs Map.

Rationale for Basis (applies to any boxes checked above): Wetland A has surface water flow into Wetland B. Wetland B also flows south through a culvert under Freeman Road and into a large wetland complex south of Freeman Road. This complex flows into Tyler Creek tributary which is tributary to Tyler Creek. Tyler Creek is tributary to the Fox River, a navigable waterway. Therefore, Wetlands A and B have a surface water tributary system connection and are under the jurisdiction of the U.S. Army Corps of Engineers. Wetlands C, D, E, and F do not have a surface water tributary system connection and are isolated.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
- Other hydrologic units indicated by:
  - Older, natural line impressed on the bank
  - The presence of ferns and debris
  - Changes in character of 90'
  - Wetland boundary

- destruction of terrestrial vegetation
- shift-ill
- other:

Basis for Declining Jurisdiction:

Unable to confirm the existence of wetlands listed in 33 CFR 328.3(a)(1), 328.3(a)(5), or 328.3(a)(7) through 328.3(a)(87)

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 agrees with your wetland delineation report dated May 17, 2009, prepared by Phoenix Environmental, Inc.

This office does not confirm your wetland boundary.

Approved by: [Signature] Date: 04/28/06

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

1 Wetlands separated from other waters of the U.S. by man-made dikes or 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: 200500727

REGULATORY PROJECT MANAGER: Jaimee Harvitz
Date: 09/08/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office
At the project site (Y/N) Date: 09/08/05
(Y/N) Date: 6/1/05 & 6/9/05

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates: Lat: 42.7-46, Lon: 88-24-40
Approximate size of site/property (including uplands & in acres): 50 acres
Name of waterway or watershed: Tyler Creek/Fox River

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource¹</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>River</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Stream</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Dry Wash</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Mudflat</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Sandflat</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Wetlands</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Shoal</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Prairie pothole</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Wet meadow</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Playa lake</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Vernal pool</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Natural pond</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>

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

Migratory Bird Rule Factors¹:

<table>
<thead>
<tr>
<th>Migratory Bird Rule Factor</th>
<th>If Known</th>
<th>If Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Is used to irrigate crops and/or in interstate commerce?</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>

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

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☑

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

APPLICANT: Marine Plastics
PROJECT LOCATION/WATERWAY: Kedzie Road and I-290 in Zion, Illinois
FILE NUMBER: 20050.002
PROJECT REVIEW COMPLETENESS: Office Field

Approved Jurisdictional Determination (JD), for sites regulated under 33 CFR 328-330. 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 waters of the United States on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used or are 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(b)(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)(9))
☐ 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 wet (e.g., intermittent streams, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:
☐ Section 10 waterway

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory:
☐ U.S. Geological Survey, Hydrologic Atlas:
☐ U.S. Geological Survey 7.5 Minute Topographic Map:
☐ U.S. Geological Survey 15 Minute Historic Quadrangle:
☐ Advanced Identification Wetland Maps:
☐ Site Visit Completed on: July 13, 2005
☐ Other information:

Rationale for Basis (apply to all boxes checked above): The Ivanka and Abington basins referenced as areas 1B and 2B were excavated in non-hydrologic soils and were designed for the purpose of stormwater management. There is another soils beginning at the eastern edge of the parking lot that drains to the aforementioned area 1B, which was also created in upland soils for the purpose of stormwater management. These areas are not under our jurisdiction but the site does contain Kellogg tributary. Known as the eastern boundary area, the wetlands references as "W" that drains to it, these areas are considered "waters of the U.S." and are therefore under the regulation of this office.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ crest of barrier
☐ edge of the character of soil
☐ wetland boundary
☐ destruction of terrestrial vegetation
☐ erosion
☐ other

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

Confirmed of Wetland Boundary:
☐ This office concurs with your wetland delineation report dated June 19, 2005, prepared by Christopher Burke.
☐ The office does not confirm your wetland boundary

Recommended by: ____________________________ Date: 9/12/05

Approved by: ____________________________ Date:________

**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:** Paul Leffler  
**Date:** September 12, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
*In the office* (Y/N) **Date:** September 12, 2005  
*At the project site* (Y/N) **Date:** July 13, 2005

**PROJECT LOCATION INFORMATION:**

| State: | Illinois |
| County: | Lake |
| Center coordinates of site by latitude & longitudinal coordinates: | 42°27'-45.1550' N - 87°51'-57.1377' |
| Approximate size of site/property (including uplands & in acres): | 10 |
| Name of waterway or watershed: | Lake Michigan |

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-4 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear Feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandhill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prarie pasture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ponds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bogs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural stream, wetland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**Migratory Bird Rule Factors:**

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use Best Professional Judgment</td>
</tr>
<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 do not migrate here? |   |   |   |   |   |
| Is or would be used as habitat for endangered species? |   |   |   |   |   |
| Is used to irrigate crops sold in interstate commerce? |   |   |   |   |   |

*Check appropriate box 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 1-3 – 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: Legal Architects PROJECT LOCATION/WATERWAY: West Of Darrell Road And South Of Barnett Road; In Winnebago, Lake County, Illinois (Section 21, T46N, R5W)

FILE NUMBER: 20-501032 PROJECT REVIEW COMPLETED:  Office Field

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

Basis for decision:
- Available information:
- There are no waters on the project site.
- There are non-jurisdictional waters on the project site.
- There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
- There are no jurisdictional waters of the United States present on the project site.
- The presence of 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 (including contiguous or neighboring) to interstate or other waters of the US. (33 CFR 328.3(a)(7))
- The presence of an isolated water (e.g., intrastate lakes, rivers, springs (including intermittent streams), mudflats, sandflats, wetlands, sloughs, quagmire pools, wet meadows, prairie lakes, or natural ponds).
- Other:

Information Reviewed:
- U.S. Fish and Wildlife Service National Wetland Inventory:
- U.S. Geological Survey Hydrologic Atlas:
- USDA Natural Resources Conservation Service Soil Survey for Lake County:
- U.S. Geological Survey 7.5 Minute Topographic Maps:
- U.S. Geological Survey 7.5 Minute Historical Quadrangals:
- U.S. Geological Survey 15 Minute Historical Quadrangals:
- Aerials (Name & Date):
- Advanced Identification Wetland Maps:
- Site Visit Conducted on: September 1, 2005

Other information:

Rationale for Basis (applies to any basis checked above): Wetland A and B, as referenced in your delineation report, have no identifiable hydrologic connection to a navigable water.

Lateral Extent of Jurisdiction (33 CFR 328 and 339):
- Ordinary High Water Mark indicated by:
  - Clear, natural line impressed on the bank
  - 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 CFR 328, 329(a)(1), 329(a)(2), or 329(a)(4) through 329(a)(7)
- Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria

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

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

Recommended by:

Approved by:

Date:

---
1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (97 Manual) (i.e., occurrence of hydrophytic vegetation, hydro soils and saturated hydrology). Processes for determining wetlands on agricultural lands may vary from those described in the Corps Wetland Delineation Manual (1987).
2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, riparian river terraces, beach dunes, and meadows 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:** 200500852

**REGULATORY PROJECT MANAGER:** Foul Leiffer

**Date:**

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office At the project site

**PROJECT LOCATION INFORMATION:**

- **State:** Illinois
- **County:** Lake
- **Center coordinates of site by latitude & longitudinal coordinates:** 42.16-61.5539 88.10-49.5571
- **Approximate size of site/property (including uplands & in acres):** 33
- **Name of waterway or watershed:** Fox River Watershed

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mudflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (Specify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-navigable 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 border?
- Is or would be used as habitat for endangered species?
- Is used to irrigate crops in interstate commerce?

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule is 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: McNaughton Development
PROJECT LOCATION: WATERWAY: Located at the Southwest Corner of 151st Street and Cedar Road in Homer Glen, Will County, Illinois
FILE NUMBER: 200500935
PROJECT REVIEW COMPLETED: Office / Field

Approved Jurisdictional Determination (JD): (For Sites regulated under 33 CFR 326-330). 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)(3))
☐ The presence of intermittent 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 328.3(a)(3))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (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.
☐ USDA Natural Resources Conservation Service Soil Survey for Will County.
☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: _________.
☐ Aerials (Name & Date): Homer Glen, 2002
☐ Advanced Identification Wetland Maps: ___________.
☐ Site Visit Conducted on: _________.
☐ Other information: ____________________________

Rationale for Basis (applies to any boxes checked above): Fiddlyment Creek and Drainage ways 1-3 are hydrologically connected to the Des Plaines River, a navigable waters of the U.S. However, Wetland 2 is isolated and therefore not jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water Mark indicated by:
☐ Visible natural line impressed on the bank
☐ The presence of litter and debris
☐ Changes in the character of soil
☐ Wetland boundary
☐ Destruction of terrestrial vegetation
☐ Shifting
☐ 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 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]

Conformance 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., presence 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 (87 Manual).

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

**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:** 290508R5

**Regulatory Project Manager:** Melyssa Cruz

**Date:** 23 Sep 2005

**Project Review/Determination Completed:** Y

**Date:** 23 Sep 2005

**Project Location Information:**

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Center coordinates by latitude &amp; longitudinal coordinates</th>
<th>Approximate size of site/property (including uplands &amp; in acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Will</td>
<td>41°56'3.4893 &amp; 87°59'0.8381</td>
<td></td>
</tr>
</tbody>
</table>

**Name of waterway or watershed:**

**Site Conditions:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Liters per foot</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estuary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deep Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mudflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**Migratory Bird Role Factors:**

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

1. Check appropriate boxes that best describe the potential for applicability of the Migratory Bird Role to apply to intra, non-jurisdictional, isolated, non-navigable, intra-state 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 nearby):
APPLICANT: Maloney Builders
PROJECT LOCATION/WATERWAY: Southeast of the intersection of Suck Trail and Pfister Road in Franklin, Will County, Illinois
FILE NUMBER: 200501095

PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an apprizable action. (33 CFR 251.2)

Based on available information:
☐ There are no 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 may be susceptible to use, transportation, 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 intertidal waters (including estuarine 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 to (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)).
☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie poa-ka, wet meadows, playa lakes, or natural ponds).
☐ Other:
☒ Section 10 waterway.

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: FRANKFORT.
☒ USACE National Resources Conservation Service Soil Survey for Will County.
☒ U. S. Geological Survey 7.5-Minute Historic Quadrangals:
☒ Aerials (Name & Date): Frankfort, 2001
☒ Advanced Identification Wetland Maps:
☒ Site Visit Conducted on: 
☐ Other information:

Rationale for Basis (applies to box checked above): The applicant's wetland located on the subject property is isolated and therefore not jurisdictional. However, the tributary located at the southern end of the parcel drains into Hickory Creek. Hickory Creek then discharges into the Des Plaines River, a navigable waters of the U.S.

Lateral Extent of Jurisdiction (33 CFR 328 and 332):
- Ordinary High Water Mark indicated by:
  - clear, natural line impressed on the bank
  - the presence of litter and debris
  - changes in the character of soil
  - wetland boundary
- destruction of terrestrial vegetation
- shelving
- other:

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is 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]

Confimation of Wetland Boundaries
☐ This ease contains your wetland delineation report dated , prepared by .
☐ This office does not confirm your wetland boundary

Recommended by: ____________________ Date: 30SEP05

Approved by: ____________________ Date: 

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (73 Manual) (i.e., occurrence of hydrophytic vegetation, hydrologic setting and wetland hydrology). Pressure for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
2Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river banks, beach dunes, and the like are also adjacent.
### INFORMATION SHEET

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

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 20051095  
**REGULATORY PROJECT MANAGER:** Melyssa Cruz  
**Date:**

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- In the office: Y  
- As the project site: Y/N  
**Date:** 30 Sep 2005

**PROJECT LOCATION INFORMATION:**  
- **State:** Illinois  
- **County:** Will  
- **Center coordinates of site by latitude & longitudinal coordinates:** 41°26'56.29 & 87°30'53.83

**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>0-5 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>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mudflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identical type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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 Nuisance 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 for 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 Act 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: Rob Keibl PROJECT LOCATION/WATERWAY: McHenry County
FILE NUMBER: 200000094 PROJECT REVIEW COMPLETED:  O Office  □ Field

Approved Jurisdictional Determination (JD): (For sites regulated under 33 CFR 328-330) An approved JD is an appealable action. (33 CFR 333.2) An approved JD is an appealable action. (33 CFR 333.2)

(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 tides (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
□ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3 (a)(2))
□ The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3 (a)(5))
□ The presence of wetlands 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 (i.e., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
□ Other: Section 10 roadway.

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

Rationale for Basis (applies to any boxes checked above):
An isolated wetland is present on the subject property. The Department of the Army does not regulate isolated wetlands.

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

Basis forDeclining Jurisdiction:
□ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(8) through 328.3(a)(7)
□ Area under consideration is likely to have been jurisdictional under pre-SWANCC Mitigation Bird Rule criteria
□ Area under consideration is already likely to have been jurisdictional under pre-SWANCC Mitigation 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:

Approved by:

Date: O/3/3

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

2Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river bands, beach dunes, and the like are also adjacent.
**Determination of No Jurisdiction for Isolated, Non-Navigable, Intra-State Waters Resulting from U.S. Supreme Court Decision in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers**

**District Office:** Chicago  
**File Number:** 200500943  
**Regulatory Project Manager:** Kate Bier  
**Date:** 10-3-05

**Project Review/termination Completed:**  
- In the office: 10-3-05  
- At the project site: Date:

**Project Location Information:**  
- State: Illinois  
- County: McHenry  
- Center coordinates of site by latitude & longitudinal coordinates: 42°21'9.5161,88°13'51.9336  
- Approximate size of site/property (including uplands & in acres): 5  
- 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>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear Feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mound</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand-flat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie Pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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 Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>If Known</td>
<td>If Unknown Use Best Professional Judgment</td>
</tr>
</tbody>
</table>

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

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

**Type of Determination:**  
- Preliminary  
- Or Approved

**Optional Additional Information Supporting NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 = rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 = site information on waters of the U.S. occurring onsite):**
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Seton Engineering Corp.
PROJECT LOCATION/WATERWAY: Parcel located north of Blank Road and west of Randall Road in Carpentersville, Kane County, Illinois (NE 1/4 of Sec 18, T42N R8E)

FILE NUMBER: 200910563
PROJECT REVIEW COMPLETED: Yes Office Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-236). 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 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 intermittent streams which are currently used, or were used in the past, or may be susceptible for use to transport intermittent or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of intermittent waters (including intermittent wetlands) (33 CFR 328.3 (a)(2))
- The presence of a tributary to an intermittent water or other water of the U.S. (33 CFR 328.3 (a)(3))
- The presence of wetlands adjacent (bordering, contiguous, or neighboring) to intermittent or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(4))
- The presence of an isolated water (e.g., impoundment lakes, rivers, streams (including intermittent streams), manmade basins, 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: 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 Historic Quadrangles:
- Aerial Photographs (Name & Date): Sept 2004, no source
- Advanced Identification Wetland Maps: KANE COUNTY
- Site Visit Conducted: April 19, 2005 by James W. Hammit of the USACE, Chicago District
Other information: FEMA 75RM

Ratebase for Basis (applies to any bases checked above): The 3 wetlands located on the subject property do not have a surface water tributary system connection and are isolated. Therefore, Wetlands 1, 2 and 3 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 character of soils
- destruction of terrestrial vegetation
- 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)(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:

Approved by:

\[\text{Date:} \]

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (RT Manual) (i.e., presence of hydrophytic vegetation, hydrologic and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
2Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river terraces, drainages, 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:** 290500563

**REGULATORY PROJECT MANAGER:** Jaimee Hammit  
**Date:** 09/02/05

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date: 09/02/05  
At the project site (Y/N) Date: 04/19/05

**PROJECT LOCATION INFORMATION:**  
State: Illinois  
County: Kane  
Latitude: 42.7-15, Lon: 88-20-25  
Approximate size of site/property (including uplands & in acres): 10 acres  
Name of waterway or watershed: Fox River

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie pasture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet pasture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairial lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**Migratory Bird Rule Factors:**

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

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

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

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

APPLICANT: Alpa Development PROJECT LOCATION/WATERWAY: Northwest of the Intersection of 88th Avenue and West Pauling Road in Green Garden, Will County, Illinois
FILE NUMBER: 20050819 PROJECT REVIEW COMPLETED: [ ] Office [ ] Field

Approved Jurisdictional Determination (JID) (For Sites regulated under 33 CFR 320-330). An approved JID 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 theebb 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 (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)(4))
☒ The presence of an isolated water (e.g., intermittent lakes, rivers, streams (including intermittent streams), sandflats, mudflats, 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: FRANKFORT.
☒ USDA Natural Resources Conservation Service Soil Survey for Will County.
☒ U. S. Geological Survey 7.5-Minute Historic Quadrangles: .
☒ U. S. Geological Survey 15-Minute Historic Quadrangles:
☒ Aerials (Name & Date): Green Garden, 1997
☒ Advanced Identification Wetland Maps:
☒ Site Visit Conducted on: August 30, 2005
☒ Other information:

Rationale for Basis (apply to a boxed checked above): The farmed wetland located on the subject property is isolated and therefore not jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ clear, natural line impressed on the bank
☒ the presence of litter and debris
☒ deposition of terrestrial vegetation
☒ changes in the character of soil
☒ wetland boundary
☒ other:

Basis for Declining Jurisdiction:
☒ Unable to confine the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 288.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC bird rule criteria
☒ Area under consideration is not likely to have been jurisdictional under pre-SWANCC bird rule criteria

Headquarters declined to approve jurisdiction on the basis of 328.3(a)(4). [attach copy of SWANCC rationale]

Confirmation of Wetland Boundaries:
☒ This office agrees with your wetland delineation report dated May 10, 2005, prepared by JF New.
☒ This office does not confirm your wetland boundary

Recommended by: [Signature] Date: [Date]

Approved by: [Signature] Date: [Signature] Date:

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

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river bends, beach dunes, and the like are also adjacent.
**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:** 200500319

**Regulatory Project Manager:** Melyna Cruz  
**Date:** 31 August 2005

**Project Review/Determination Completed:**  
- Is the office: (Y/N) Date:  
- At the project site Y: (Y/N) Date: 30 Aug 2005

**Project Location Information:**  
- State: Illinois  
- County: Will  
- Center coordinates of site by latitude & longitudinal coordinates: 41 23 57.27 & 87 49 48.07  
- 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>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swan Island</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Migratory bird lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**Migratory Bird Rate 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 for other migratory birds that cross state lines?  
- Is or would be used as habitat for endangered species?  
- Is fish in aquatic crops sold in interstate commerce?  

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rate to apply to aquatic, non-jurisdictional, isolated, non-navigable, non-jurisdictional 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: Brad Johnson
PROJECT LOCATION/WATERWAY: Northwest of the intersection of Norfolk Road and Kings Road in Crete, Will County, Illinois
FILE NUMBER: 20050098
PROJECT REVIEW COMPLETED: [ ] Office [ ] Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 C.F.R. 320-330). An approved JD is an appealable action. (33 C.F.R. 333.2)

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 C.F.R. 328.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands). (33 C.F.R. 328.3(a)(2))
☐ The presence of a tributary to an interstate water or other water of the U.S. (33 C.F.R. 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 those wetlands adjacent to other wetlands. (33 C.F.R. 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: STEGER.
☐ USDA Natural Resources Conservation Service Soil Survey for Will County.
☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: .
☐ Aerials (Name & Date): Crete, 1997
☐ Advanced Identification: Wetland Map .
☐ Site Visit Conducted on: August 30, 2005
☐ Other information:

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

Lateral Extent of Jurisdiction (33 C.F.R. 328 and 329):
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in the character of soil
☐ wetland boundary
☐ destruction of riparian vegetation
☐ suffocation
☐ other:

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)(5) (attach copy of HQ rationale)

Conferral 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: ___________ 2005
Approved by: ________________________________ Date: ___________ 2005

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

<table>
<thead>
<tr>
<th>Type of aquatic resource¹</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

### Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th>Migratory Bird Rule Factors</th>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Predict</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>In-Occur</td>
</tr>
</tbody>
</table>

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

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

### TYPE OF DETERMINATION:

- Preliminary  
- 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):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers Chicago District

APPLICANT: Metra PROJECT LOCATION/WATERWAY: East Side Off The Wisconsin Central Railroad Tracks, North Of Cedar Avenue In Lake Villa, Lake County, Illinois (Section 31, T46N, R10E)
FILE NUMBER: 200605070 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)
Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including intrastate wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an interstate 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, salt marshes, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:
☐ Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: __________
☐ U.S. Geological Survey Hydrologic Atlas:
☐ USDA Natural Resources Conservation Service Soil Survey for Lake 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 Commenced on: Spring 2005
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetland #1, as referenced in the delineation report, does not have an identifiable hydrologic connection to a navigable water.

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
☐ shelfing
☐ 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)(7) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries:
☐ This office concurs with your wetland delineation report dated __________, 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 (7th Edition) (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 Delineation Manual (1987).
2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river benches, beach dunes, and the like are not adjacent.
INFORMATION SHEET

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: 200500970

REGULATORY PROJECT MANAGER: Paul Leffler
Date: September 6, 2005

PROJECT REVIEW/DETERMINATION COMPLETED:
In the office (Y/N) Date:
At the project site (Y/N) Date: Spring 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates:
42.25-102.96
48.445.7523
Approximate size of site/property (including uplands & in acres):
1
Name of waterway or watershed:
Fox River

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-20 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear Feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandbar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prarie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pond lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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>
</tr>
</thead>
<tbody>
<tr>
<td>Use Best Professional Judgment</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Predicted to Occur</th>
<th>Not Expected to Occur</th>
<th>Not Able To Make Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is used to irrigate crops used in interstate commerce?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

TYPE OF DETERMINATION: Preliminary  □ Or Approved  □

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

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

APPLICANT: Fisk Properties
PROJECT LOCATION/WATERWAY: Property located on Weldon Road South of Route 20 and West of Randall Road in Elgin, Kane County, Illinois (SW 1/4 of Section 15 and SE 1/4 of Section 17, T41N R8E)

FILE NUMBER: 20050641
PROJECT REVIEW COMPLETED: Office of Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 322-330). An approved JD is an appealable action. (33 CFR 331.2)

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

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 324.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3 (a)(2))
☐ The presence of tributaries to an interstate water or other water of the U.S. (33 CFR 328.3 (a)(3))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to interstate or other waters of the U.S, except for those wetlands adjacent to other wetlands (33 CFR 328.3 (a)(7))
☐ The presence of an isolated water (e.g., impoundment lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural prairie)
☐ Other:
☐ Section 10 waterway.

Information Reviewed:
☐ U. S. Fish and Wildlife Service National Wetland Inventory: ______________
☐ U. S. Geological Survey 7 1/2 Minute Historic Quadrangles: ______________
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County: ______________
☐ U.S. Geological Survey 15 Minute Historic Quadrangles: ______________
☐ Aerial Photographs (Name & Date): ______________
☐ Advanced Identification Wetland Map: ______________
☐ Site Visit Conducted on: June 21, 2005 by James W. Hamm of the USAEC, Chicago District
☐ Other information:

Rationale for Basis (applies to any boxes checked above): The on-site wetland delineated by Hey and Associates does not have a surface water tributary system connection and is isolated. Therefore, the wetland is 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:
☐ dry, natural line impressed on the bank
☐ the presence of litter and debris
☐ the presence of waterfowl and other:
☐ destruction of terrestrial vegetation
☐ changes in the character of 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 likely to have been jurisdictional under pre-SWANCC Navigable Blind 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 ______________, prepared by ______________
☐ This office does not confirm your wetland boundary.

Recommended by: ______________ Date: ______________

Approved by: ______________ Date: ______________

1Wetlands are identified and delineated using the methodological criteria established in the Corps Wetland Delineation Manual (87 Manual) i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology. Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (87 Manual). 1
1Wetlands separated from other waters of the U.S. by non-natural dikes or barriers, natural river-beds, 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  
**DATE:** 06/06/05  
**FILE NUMBER:** 20030641

**REGULATORY PROJECT MANAGER:** Jaimee Hamme  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office  
**DATE:** 06/21/05  
**PROJECT LOCATION INFORMATION:**  
**STATE:** Illinois  
**COUNTY:** Kane  
**LATITUDE & LONGITUDE COORDINATES:** Lat: 42°1'-60, Lon: 88°20'-29  
**APPROXIMATE SIZE OF SITE/PROPERTY (INCLUDING UPLANDS & IN ACRES):** 3  
**NAME OF WATERWAY OR WATERSHED:** Fox River

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand-bar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand island</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Savanna</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**Migratory Bird Rule Factors:**

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Best Professional Judgment</td>
<td>Yes</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 are not treaty listed? | ☐ | ☒ | ☒ | ☒ | ☒ |
| Is or would be used as habitat for endangered species? | ☐ | ☒ | ☒ | ☒ | ☒ |
| Is used to irrigate crops sold in interstate commerce? | ☐ | ☒ | ☒ | ☒ | ☒ |

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

**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: Duane Terrene PROJECT LOCATION/WATERWAY: Northeast of the Intersection of Church Road and Route 1 in Unincorporated Will County, Illinois

FILE NUMBER: 200500022 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 333.3).

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 interstate waters (including interstate wetlands) (33 CFR 328.3(a)(2)).
- The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3(a)(5)).
- The presence of wetlands adjacent (bordering, contiguous, or neighboring) to interstate or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7)).
- The presence of an isolated water (e.g., 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: BECHTER WEST.
- 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: ______.
- Aerial (Name & Date): Brecher, 2002
- Advanced Identification Wetland Maps: ______.
- Site visit Conducted on:
- Other information:

Rationale for Basis (applies to any boxes checked above): Farned Wetlands 1 and 2 and Wetlands 1-4 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
  - wetland boundary
- destruction of terrestrial vegetation
- shelving
- other

Basis for Declining Jurisdiction:

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

Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [enrich 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 hydrophytic vegetation, hydro soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

2 Wetlands separate two or more waters of the U.S. by man-made dikes or barriers, natural river terraces, 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:** 20050022  
**REGULATORY PROJECT MANAGER:** Melyssa Cruz  
**DATE:** 8 Sept 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- In the office: Y  
- At the project site: Y  
**DATE:** 8 Sept 2005

**PROJECT LOCATION INFORMATION:**  
- **State:** Illinois  
- **County:** Will  
- Center coordinates of site by latitude & longitudinal coordinates: 41-21-22.2897 & 87-37-54.3146  
- Approximate size of site/property (including uplands & in acres): [Provide size in acres]

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resources</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear Feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swamp</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pristine pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estuary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use Best Professional Judgment</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

| Is or would be used as habitat for birds protected by Migratory Bird 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 applicability of the Migratory Bird Rule to apply to exist, 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: 1HP Elgin, LLC  PROJECT LOCATION/WATERWAY: Property located south of Beloit Road and east of Route 67 in Plato township, Kane County, Illinois (SEE 1/4 of Section 6, T41N R7E)

FILE NUMBER: 200400731  PROJECT REVIEW COMPLETED: Office Field

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

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

Basin 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 wetlands (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 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, 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: PINEGROVE GROVE.
- USDA National Resources Conservation Service Soil Survey for Kane County.
- U.S. Geological Survey 7.5 Minute Historic Quadrangles: ___________.
- U.S. Geological Survey 15 Minute Historic Quadrangles: ___________.
- Aerial Photographs (Name & Date): AirPhoto USA October 22, 2002
- Advanced Identification Wetland Maps:
  - Site 21 Conducted on July 7, 2005 by James W. Hammit of the USACE, Chicago District
- Other information: FEMA FIRM, the Preliminary Routine Wetland Delegation Report, dated May 24, 2004

Rationale for Basis (applies to any boxes checked above): Wetland 1 on the subject property does not have a surface water tributary system connected to adjacent waters. Therefore, Wetland 1 is not under the jurisdiction of the U.S. Army Corps of Engineers. The farmed wetland slide review completed by ENCAP, Inc. demonstrated that wetland signatures were not present for enough years to qualify as farmed wetland. Therefore, there are no areas under the jurisdiction of the U.S. Army Corps of Engineers on the subject property.

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 soils
- wetland boundary
  - destruction of terrestrial vegetation
  - shoreline
  - other:

Foundation 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
- Headquaters decided to approve jurisdiction on the basis of 338.3(a)(3) (attach copy of HQ rationale)

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

Recommended by: __________ Date: __________

Approved by: __________ Date: __________

---

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (8th 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).
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: 200400721

REGULATORY PROJECT MANAGER: Janice Harms
Date: 09/12/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 09/12/05
(Y/N) Date: 07/07/05

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates:
Lat: 42-24-77, Lon: 88-27-38
Approximate size of site/property (including uplands & in acres)
130 acres
Name of waterway or watershed: Fox

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</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand Flat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie/Leske</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fyke, water</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ponds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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>Unknown</th>
<th>If Unknown Can Affect Use</th>
<th>Use Best Professional Judgment</th>
<th>Not Expected to Occur</th>
<th>Not Able to Make Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In or would be used as habitat for birds protected by Migratory Bird Treaties?

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

In or would be used as habitat for endangered species?

In need to irrigate crops sold in interstate commerce?

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

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 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: Premier Prep Group  PROJECT LOCATION/WATERWAY: Crystal Lake
FILE NUMBER: 206509062  PROJECT REVIEW COMPLETED: ☐ Office ☑ Field

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

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

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(3))
☐ The presence of navigable waters (including interstate wetlands) (33 CFR 328.3(a)(4))
☐ 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 (i.e., bordering, contiguous or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other waters. (33 CFR 328.3(a)(7))
☐ The presence of an instream water (e.g., intrastate lakes, rivers, streams (including interstream 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: CRYSAL LAKE.
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☐ Aerial Photographs (Name & Date) 2004:
☐ Other information:

Rationale for Basis (apply to any boxes checked above): One isolated wetland occurs 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
☐ presence of litter and debris
☐ changes in the character of soil
☐ wetland boundary
☐ destruction of terrestrial vegetation
☐ shelving
☐ other:

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely 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 hydrophytic vegetation, hydrology, and wetland hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, 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:** 200510012  
**REGULATORY PROJECT MANAGER:** Kate Bliss  
**Date:** 9/9/05

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
**In the office:** Y  
**(YN) Date:** 5/19/05  
**At the project site:** Y  
**(YN) Date:**

**PROJECT LOCATION INFORMATION:**  
**State:** Illinois  
**County:** McHenry  
**Center coordinates of site by latitude & longitudinal coordinates:** 42°12'41.8377, 88°21'5.8720  
**Approximate size of site/property (including uplands & in acres):** 40  
**Name of waterway or watershed:**

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estuary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie potholes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadows</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ponds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</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 Role Factors:**

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

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

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

**OPTIONAL ADDITION 4. INFORMATION SUPPORTING NJD (e.g. paragraph 1 – site conditions; paragraph 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):**
APPLICANT: Nicholas Rama Enterprises  
PROJECT LOCATION/WATERWAY: Southwest of Intersection of 147th and Amber Avenue in Homer Glen, Will County, Illinois  
FILE NUMBER: 200500689  
PROJECT REVIEW COMPLETED: O Office X Field  
Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 328-330). An approved JD is an appealable action. (33 CFR 331.2)  
Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)).
☐ The presence of intermittent wetlands (including intermittent wetlands). (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an intermittent or other water of the U.S. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent to (including contiguous, or neighboring) to intermittent or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., instream lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:  
☐ Section 10 waterway.

Information Reviewed:
☐ U. S. Fish and Wildlife Service National Wetland Inventory: ROMEOVILLE.
☐ USDA Natural Resources Conservation Service Soil Survey for Will County.
☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: .
☐ Aerials (Name & Date): Elwood, 2002  
☐ Advanced Identification Wetland Maps: .
☐ Site Visit Conducted on: July 5, 2005  
☐ Other information:

Rationale for Basis (applies to boxen checked above): Unnatural Tributary is a drainageway that flows into the Des Plaines River, a navigable waters of the U.S. Wetland 1 the open water pond are isolated and therefore not jurisdictional.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):  
☐ Ordinary High Water Mark indicated by: clear, natural line superposed on the bank  
☐ The presence of litter and debris: shelving  
☐ changes in the character of soil: destruction of terrestrial vegetation  
☐ 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)(6) through 328.3(a)(7)  
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  

Headquarters declined to approve jurisdiction on the basis of 328.3(a)(X) [attach copy of FBI 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: 16 Sep 05  
☐ Approved by:  
☐ Date:  

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Determination Manual (47 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 Determination Manual (1957).

2Wetlands separated from other waters of the U.S. by man-made slopes or barriers, natural river berm, bank 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: 300500689

REGULATORY PROJECT MANAGER: Melyssa Cruz
Date: 9 Sep 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office
At the project site Y

(Y/N) Date: Y
Date: 6 Jul 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: 41-37-35.2217 & 88-0-59.6801
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>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandbar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fringe prairie</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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>
</tr>
</thead>
<tbody>
<tr>
<td>Predicted to Occur</td>
<td>Not Expected to Occur</td>
</tr>
</tbody>
</table>

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

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 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: Rosil Construction
PROJECT LOCATION/WATERWAY: East of Fairview Ave and South of 65th St in Downers Grove, DuPage County, Illinois

FILE NUMBER: 20050708 PROJECT REVIEW COMPLETED: 20 OFFICE 2 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 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 interbasin water or other water of the U.S. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to interstate or other waters of the U.S. except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., 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: HINSDALE.
☐ USDA Natural Resources Conservation Service Soil Survey for DuPage County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: ____________.
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: ____________.
☐ Aerial Photographs (Name & Date): ____________.
☐ Advanced Identification Wetland Maps: DUPAGE COUNTY.
☐ Site Visit Conducted on: May 26, 2005
☐ Other information:

Rationale for Basis (applies to any boxes checked above): The waters of the U.S. within the project site are man made detention ponds therefore they are not jurisdictional areas and the wetland area within the project site is isolated.

Lateral Extent of Jurisdiction (33 CFR 338 and 329):
☐ Ordinary High Water Mark indicated by: clear, natural line impressed on the bank
☐ Destruction of terrestrial vegetation
☐ The presence of litter and debris
☐ Deriving
☐ 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)(7) through 328.3(a)(7) 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 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 ____________.

Recommended by: ____________ Date: 9-15-05

Approved by: ____________ Date: ____________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (DT Manual) (i.e., occurrence of hydrophytic vegetation, hydro soils and wetland hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (DT Manual) (1987). 2Wetlands 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: 200500709

REGULATORY PROJECT MANAGER: Diedra Willis  Date: September 19, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office  Date: September 19, 2005
At the project site  Date: May 26, 2005
PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
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>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt;50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mudflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swamp</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prarie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playa lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Migratory Bird Rule Factors:

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

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

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

TYPE OF DETERMINATION: Preliminary  Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce 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: Khatot Enterprise PROJECT LOCATION/WATERWAY: North Off IL Route 120, 1 1/4 Mile East Off IL Route 83 In Grayslake, Lake County, Illinois (Section 35, T45N, R10E)

FILE NUMBER: 260501084 PROJECT REVIEW COMPLETED: Office Field

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

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

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

Information Reviewed
☐ U. S. Fish and Wildlife Service National Wetland Inventory:
☐ U. S. Geological Survey Hydrologic Atlas:
☐ USDA Natural Resources Conservation Service Soil Survey for 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: September 27, 2005
☐ Other Information:

Rationale for Basis (applies to any boxes checked above): Wetland A, the 0.95 acre wetland referenced in your delineation report, did not exhibit an identifiable hydrologic connection to a navigable water.

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

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

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

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

Recommended by:
☐ Approved by:
☒ Date:

[Signature]

[Name]

[Position]

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (1986) (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 Delineation Manual (1987).

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: 200501064

REGULATORY PROJECT MANAGER: Paul Leffler
Date: September 29, 2005

PROJECT REVIEW/DETERMINATION COMPLETED:
In the office Y
At the project site Y
(Y/N) Date: September 27, 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42.20-18.0936 88.1-38.0122
Approximate size of site/property (including uplands & in acres): 5 acres
Name of waterway or watershed: Des Plaines

SITE CONDITIONS:

<table>
<thead>
<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dye Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mudflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandflat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prairie pothole</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet meadow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piles lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vernal pool</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural pond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other water (identify type)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</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 Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

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

*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):