APPLICANT: Steve Regoupeau, Marenco Estates, LLC  PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200400779  PROJECT REVIEW COMPLETED: As of 11/11/2005

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

Based on available information:
☐ There are no waters on the project site.
☐ There are not 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)(3))
☐ The presence of wetlands adjacent (borders, 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, river, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, paha lakes, or natural ponds).
☐ Other:
☐ Section 10 waterway.

Information Reviewed:
☐ U. S. Fish and Wildlife Service National Wetland Inventory: MARENCO NORTH
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: _________.
☐ Aerial Photographs (Name & Date): 2/2002
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☐ Site Visit Conducted on: 7/19/2005
☐ Other Information: FEMPA FIRM map

Rationale for Basis (applies to any boxes checked above): There are wetlands existent on the project site. These wetlands do not have any surface water connections to a navigable waterway, and therefore are not subject in Department of the Army regulations.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ clear, natural line impressed on the bank ☐ destruction of terrestrial vegetation
☐ changes in the character of soil ☐ shelving
☐ wetland boundary ☐ either:

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

Confimation of Wetland Boundaries:
☐ This office concurs with your wetland delineation report dated May 26, 2005, prepared by Mithdal Consulting, Ltd.
☐ This office does not confirm your wetland boundary

Recommended by: ______________ Date: 10/28/2005

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). 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 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: 200500779

REGULATORY PROJECT MANAGER: Kate Bliss
Date: October 26, 2005

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

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-1h 32.0843, 88-36.55.4411
Approximate size of site/property (including uplands & in acres): 75
Name of waterway or watershed:Keithlake

SITE CONDITIONS:

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

If Known | If Unknown Use Best Professional Judgment

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Protected to Occur</th>
<th>Not Expected to Occur</th>
<th>Not Able To Make Determination</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

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

TYPE OF DETERMINATION: Preliminary □ Or Approved □

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: Cordeigan, Clark and Associates
PROJECT LOCATION/WATERWAY: 5 East Aurora School District Sites in Aurora Township, Kane Co., Illinois (Sections 14, 24, 25, 26 T39N R9E)
FILE NUMBER: 200500999 PROJECT REVIEW COMPLETED: 2 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 non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
☒ There are no jurisdictional waters of the United States present on the project site.
☒ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☒ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3 (a)(2))
☒ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
☒ The presence of wetlands adjacent (1) 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, prairie lakes, or natural ponds).
☒ Other:
☐ Section 10 waterway.
Information Reviewed
☐ U. S. Fish and Wildlife Service National Wetland Inventory. __________
☐ U. S. Geological Survey Hydrolagic Atlas _________
☐ USDI National Resources Conservation Service Soil Survey for Kane County. _________
☐ U. S. Geological Survey 7.5 Minute Topographic Maps _________
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: __________
☐ Aerial Photographs (Name & Date): _________
☐ Advanced Identification Wetland Maps: KANE COUNTY _________
☐ Site Visit Conducted on: August 4, 2005 by Jamee W. Hambri, USACE, Chicago District
☐ Other information:
Rationale for Basis (applies to any boxes checked above): There were no wetlands or waters of the United States on the Allen Elementary site, the Johnson Middle School site or the Simmons Middle School site. Maunder Lake on the East Aurora High School site is located and not under the jurisdiction of the U.S. Army Corps of Engineers. There is a ditch on the Cowherd Middle School site that does not have a surface water tributary system connection and is isolated. Therefore, there are no waters of the United States on any of the 5 East Aurora School District sites.
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
☒ depression of terrestrial vegetation
☐ shelly
☐ 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 decided to approve jurisdiction on the basis of 328.3(a)(3) (attach copy of HQ rationale)
Confirmation of Wetland Boundaries
☐ This office does not confirm your wetland boundary.
☐ This office confirms your wetland delineation report dated , prepared by
☐ This office does confirm your wetland boundary.
Approved by:
☐ Date: 6/29/05
☐ Date: __________

3Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (67 Manual) (i.e., occurrence of hydrophytic vegetation, hydrologic and wetland hydrology). Precision for delineating wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
4 Wetlands separated from other waters of the U.S. by mudflats, sloughs, prairie potholes, wet meadows, prairie lakes, or natural ponds, and the like are also adjacent.
APPROVED JURISDICTIONAL DETERMINATION SECTIONS DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Ross Fries PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 205051180 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (AJD) (For sites regulated under 33 CFR 328-330). An approved JD is an appealable action. (33 CFR 331.2) An approved JD is an appealable action. (33 CFR 331.2)
Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional 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)(5))
☐ The presence of wetlands adjacent to wetlands. (33 CFR 328.3(a)(6))
☐ 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: __________
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☐ U.S. Geological Survey 7.5 Minute Topographic Maps: __________
☐ U.S. Geological Survey 7.5 Minute Historic Quadrangles: __________
☐ Aerial Photographs (Name & Date): __________
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY:
☐ Site Visit Conducted on: __________
☐ Other Information: NRCS Farmland Wetland Determination

Rationale for Basis (applies to boxes checked above): In the northern portion of the property an isolated, excavated pond exists. This pond does not exhibit a surface water connection to a navigable waterway, and therefore, is 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
☐ construction of terrestrial vegetation
☐ changes in the character of soil
☐ wetland boundary
☐ other:

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

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

Recommended by: __________ S __________ Date: 10/18/05

Approved by: __________ S __________ Date: __________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (1977 Manual) (i.e., occurrence of hydrophytic vegetation, hydrologic soils, and wetland hydrology). Processes for determining wetlands and agricultural lands may vary from methods described in the U.S. Army Corps Wetland Delineation 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 COOR COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 20050180

**REGULATORY PROJECT MANAGER:** Kate Bliss  
**Date:** 18 October 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office V (Y/N)  
At the project site (Y/N)  
**Date:** 5 October 2005

**PROJECT LOCATION INFORMATION:**  
State: Illinois  
County: McHenry  
Center coordinates of site by latitude & longitudinal coordinates: 42°13'2" 4610', 88°28'5.3210"  
Approximate size of site/property (including uplands & in acres): 80  
Name of waterway or watershed: Kinhawkee

**SITE CONDITIONS:**

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<th>Type of aquatic resource¹</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
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<th>10-25 ac</th>
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<th>&gt; 50 ac</th>
<th>Linear feet</th>
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</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**:  
**If Known**  
**If Unknown**  
**Use Best Professional Judgment**  
**Yes**  
**No**  
**Predominant to Occur**  
**Not Expected to Occur**  
**Not Able to Make Determination**

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<th>Not Expected to Occur</th>
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¹ Check appropriate boxes that best describe the potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING 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: Ace Hardware Corp. PROJECT LOCATION/WATERWAY: Property located north of Miller Road, south of I-88, and west of the Kane-DePage county line in Aurora, Kane County, Illinois (NE 1/4 of Section 12 and SE 1/4 of Section 1, T35N R8E)

FILE NUMBER: 200506065 PROJECT REVIEW COMPLETED: Office Field

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

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

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)).
☐ The presence of interstate waters (including interstate 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)(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: AURORA NORTH.
☐ 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) USGS, April 10, 2002
☐ Advanced Identification Wetland Maps: KANE COUNTY
☐ Site Visit Conducted on: September 15, 2005 by Jamie W. Harnett of the USACE, Chicago District
☐ Other information: FEMA FIRM, the Preliminary Wetland Delineation Report, dated December 16, 2004, prepared by ENCAP, Inc.

Rationale for Basis (applies to any boxes checked above): Selmmette Creek flows into Indian Creek, which is tributary to the Fox River, a navigable waterway. Therefore, Selmmette Creek is under the jurisdiction of the U.S. Army Corps of Engineers. Wetlands 1-5 are isolated and not under the jurisdiction of the U.S. Army Corps of Engineers. Also, please note that there appears to be an additional isolated wetland within the wooded area in the northwest corner of the subject property. This wetland would not be regulated by the Corps as it is isolated, but may be regulated under the Kane County Stormwater Ordinance.

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

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(7) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

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

Recommended by: ____________________________ Date: 10/12/05

Approved by: ____________________________ Date: ____________________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydric vegetation, hydro soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (87 Manual).
**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:** 20050066  
**REGULATORY PROJECT MANAGER:** Jacee Hammit  
**Date:** 10/13/05

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

<table>
<thead>
<tr>
<th>Date</th>
<th>(Y/N)</th>
<th>(Y/N)</th>
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<tbody>
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<tr>
<td>09/13/05</td>
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</tbody>
</table>

**PROJECT LOCATION INFORMATION:**
- **State:** Illinois  
- **County:** Kane  
- **Center coordinates of site by latitude & longitudinal coordinate:** Lat: 41-48-0, Lon: 88-15-52  
- **Approximate size of site/property (including uplands & in acres):** 73 acres  
- **Name of waterway or watershed:** Seldonam Creek/Fox River

**SITE CONDITIONS:**

<table>
<thead>
<tr>
<th>Type of aquatic resource1/2</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
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</tr>
</tbody>
</table>

1/2 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.

**Migration Bird Rule Factor3/4:**

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

3/4 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to wetlands, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources.

**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: Actewn Electrical PROJECT LOCATION/WATERWAY: Spring Grove, McHenry County
FILE NUMBER: 20050738 PROJECT REVIEW COMPLETED: ☐ Office Q/S Field
Approved Jurisdictional Determination (J&D) (For sites regulated under 33 CFR 328-330). An approved JD is an appealable action. (33 CFR 331.2). An approved JD is an appealable action. (33 CFR 331.2) Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands) 1) (33 CFR 328.3 (a)(2))
☐ The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3 (a)(5))
☐ The presence of wetlands adjacent 1) (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, wet meadows, playa lakes, or natural ponds).
☐ Other:
☐ Section 10 wetway.

Information Reviewed:
☐ U. S. Fish and Wildlife Service National Wetland Inventory: __________
☐ USDAA National Resources Conservation Service Soil Survey for McHenry County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: __________
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: __________
☐ Aerial Photographs (Name & Date) 2002, 2004
☐ Advanced Identifications Wetland Maps: MCHENRY COUNTY...
☐ Site Visit Conducted on: June 23, 2005
☐ Other information: FEMA 80% map

Rationale for Basis (applies to any boxes checked above): A maintained roadside drainageway exists along the western property boundary. This roadside drainageway is exempt from Department of the Army regulations.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in the character of soil
☐ destruction of terrestrial vegetation
☐ shoreline
☐ 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: 6/19/05

Approved by: __________________________ Date: 6/19/05

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (R7 Manual) (i.e., occurrence 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, beach dunes, and the like are also adjacent.
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Crete-Monee School Dist. 201-U  PROJECT LOCATION/WATERWAY: West Exchange Street Between South Western Avenue and South Dixie Highway in the Village of Crete, Will County, Illinois
FILE NUMBER: 200501176  PROJECT REVIEW COMPLETED: Office X Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). 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 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 navigable waters of the United States. (33 CFR 328.3(a)(5))
☐ The presence of wetlands adjacent to navigable waters (including wetlands)
☐ The presence of wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., intermittent streams, mudflats, sandflats, wetlands, sloughs, private ponds, wet meadows, playas, lakes, or natural ponds)
☐ Other:
☐ Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: STEGER.
☐ USDI 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): Crete, 2003
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on: Sept. 26, 2005
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetland 1 is a tributary to Deer Creek. Deer Creek flows into Thorn Creek which then Discharges into the Little Calumet River. The Little Calumet River drains into the Calumet Nug Channel, a navigable water of the U.S. Wetland 4 is adjacent to Wetland 1 and is therefore jurisdictional. Wetlands 2, 3, and 5 are isolated and therefore 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:
☐ None to determine 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:
☐ S
☐ Date: 10/05

Approved by:
☐ S
☐ Date: 10/05

**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:** 200500178

**REGULATORY PROJECT MANAGER:** Melisa Cruz  
**Date:**

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- **In the office:** Y  
- **At the project site:** Y  
- **Date:** 26 Sep 2005

**PROJECT LOCATION INFORMATION:**  
- **State:** Illinois  
- **County:** WJ  
- **Center coordinates of site by latitude & longitudinal coordinates:** 41 26.18.25 & 87 38. 57.24  
- **Approximate size of site/property (including uplands & in acres):** Name of waterway or watershed:

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

**Migratory Bird Rule Factors:**

<table>
<thead>
<tr>
<th>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>
</tr>
</tbody>
</table>

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

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

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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):**
APPLICANT: Mr. Ali Ghane  PROJECT LOCATION/WATERWAY: 4530 Fender Road; Lisle, DuPage County, Illinois
FILE NUMBER: 20030850  PROJECT REVIEW COMPLETED: 02 Office 02 Field
Approved Jurisdictional Determination (JID) (For sites regulated under 33 CFR 326-70). An approved JID is an appealable action. (33 CFR 321.2)
Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide, i.e., navigable waters of the U.S. (33 CFR 328.3(a)(1))
☐ The presence of interstate water (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., intermittent lakes, rivers, streams (including intermittent streams), meadows, sandbanks, 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: WHEATON.
☐ USDA Natural Resources Conservation Service Soil Survey for DuPage County.
☐ U.S. Geological Survey 7.5 Minute Topographic Maps:
☐ U.S. Geological Survey 15 Minute Historic Quadrangles: ____________________________.
☐ Aerial Photographs (Name & Date): ____________________________.
☐ Advanced Identification Wetland Maps: DUPAGE COUNTY.
☐ Site Visit Conducted: September 9, 2005
☐ Other Information:

Rationale for Basis (applies to boxes checked above): The wetland onsite appears not to have a hydrological connection to a navigable waterway. Therefore it is considered isolated.

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

Basis for Declaring Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under 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 concur with your wetland boundary.

Recommended by: ________________________________ Date: 10-7-05

Approved by: ________________________________ Date: ________________________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manhattan) (i.e., Department of Hydrologic Vegetation, hydrologic soils, and wetland hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river 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: 200500850

REGULATORY PROJECT MANAGER: Diedra Willis Date: October 7, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office [x] At the project site [ ] Date: October 7, 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
Center coordinates of site by latitude & longitudinal coordinates: 41-48.5.3983 & 88-6-60.9298
Approximate size of site/property (including uplands & in acres): 1 acre
Name of waterway or watershed: Rott Creek

SITE CONDITIONS:

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

Migratory Bird Rule Factors:

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<th>If Known</th>
<th>If Unknown</th>
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<td>Use Best Professional Judgment</td>
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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 [x]

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

APPLICANT: Ace Hardware Corp. PROJECT LOCATION/WATERWAY: Property located north of Moliitor Road, south of I-88, and west of the Kane-DePage county line in Aurora, Kane County, Illinois (NE 1/4 of Section 12 and SE 1/4 of Section 1, T23N R8E)

FILE NUMBER: 20050685 PROJECT REVIEW COMPLETED: Office Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-339). An approved JD is an appealable action (33 CFR 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 for transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(3))
☐ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an interstate water or other water of the U.S. (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., intermittent lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
☐ Other:

Section 10 waywater.

Information Reviewed:
U. S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH.
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): USGS, April 10, 2002
Advanced Identification Wetland Maps: KANE COUNTY
Site Visit Conducted on: September 15, 2005 by James W. Hammell of the USACE, Chicago District
Other Information: FEMA FIRM, the Preliminary Wetland Deleination Report, dated December 16, 2004, prepared by ENCAP, Inc.

Rationale for Basis (applies to any bases checked above): Selmartern Creek flows into Indian Creek, which is tributary to the Fox River, a navigable waterway. Therefore, Selmartern Creek is under the jurisdiction of the U.S. Army Corps of Engineers. Wetlands 1-5 are isolated and not under the jurisdiction of the U.S. Army Corps of Engineers. Also, please note that there appears to be an additional isolated wetland within the wooded area in the northwest corner of the subject property. This wetland would not be regulated by the Corps as it is isolated, but may be regulated under the Kane County Stormwater Ordinance.

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

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is most likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(1) (attach copy of HQ rationale)

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

Recommended by: Date:

☑ Approved by: Date:

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydric vegetation, hydrology, and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
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: 200500665

Regulatory Project Manager: Jarrod Henni
Date: 10/12/05

Project Review/Determination Completed: In the office (Y/N) Date: 10/12/05
At the project site (Y/N) Date: 09/15/05

Project Location Information:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates: Lat: 41-48-0, Lon: 88-15-52
Approximate size of site/property (including uplands & in acres): 72 acres
Name of waterway or watershed: Sehmartan Creek/Fox River

SITE CONDITIONS:

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

Migratory Bird Rule Factors:

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<td>Is or would be used as habitat for birds protected by Migratory Bird Treaty?</td>
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<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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*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: Wambreck Family Partnership PROJECT LOCATION/WATERWAY: Located Northwest Of W. Main Street And New Har Road In Barrington, Lake County, Illinois (Section 35, T43N, R9E.)

FILE NUMBER: 2000600003 PROJECT REVIEW COMPLETED:  Office Field

Approved Jurisdictional Determination (JD) if 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 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 nonjurisdictional 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 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., intermittent lakes, rivers, streams (including intermittent streams), mires, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
  - Other:
  - Section 10 waterway.

Information Reviewed:
- U. S. Fish and Wildlife Service National Wetland Inventory: ________
- USDA-Natural Resources Conservation Service Soil Survey for Lake County: ________
- U. S. Geological Survey 7.5 Minute Topographic Maps: BARRINGTON, 1993
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: ________
- U. S. Geological Survey 15 Minute Historic Quadrangles: ________
- Aerial (Name & Date): ________
- Advanced Identification Wetland Maps: ________
- Site Visit Conducted on: October 13, 2005
- Other information:

Rationale for Basis (applies to any boxes checked above): As determined in previously by our office (Corps Project #200030046) Wetland 2 is contiguous with Flint Creek, which drains to the Fox River and is therefore under our jurisdiction. Wetlands 2 and 3 have been determined to be isolated.

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

Basis for Declining Jurisdiction:
- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
- Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) (attach copy of HQ rationale)

Confirmation of Wetland Boundaries:
- This office conveys with your wetland delineation report dated September 19, 2002 (revised October 5, 2005), prepared by Ecospot, Inc.
- This office does not confirm your wetland boundary.

Recommended by: ___________________________ Date: 10/11/05

Approved by: ___________________________ Date: ___________________________

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600035

REGULATORY PROJECT MANAGER: Paul Leffler
Date: October 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: October 11, 2005
At the project site Y (Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42°9'33.6194 88°9'9.7559
Approximate size of site/property (including uplands & in acres): 68
Name of waterway or watershed: Flint Creek/ Fox River Watershed

SITE CONDITIONS:

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<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>Known Migratory Bird Rule Factors</th>
<th>Yes</th>
<th>No</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 for other migratory birds that cross state line?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Is or would be used as habitat for endangered species?</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: Chris Khayat
PROJECT LOCATION/WATERWAY: Richmond / Nippersink Creek
FILE NUMBER: 200501034
PROJECT REVIEW COMPLETED: ☐ Office [☐ FIRM]

Approved Jurisdictional Determination (JD) (For sites rated under 33 CFR 320.330). An approved JD is an appealable action. (33 CFR 331.2). An approved JD is an appealable action. (33 CFR 331.2)

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

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands) 1
(33 CFR 328.3 (a)(2))
☐ The presence of a navigable 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., 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:
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☐ U. S. Geological Survey 15 Minute Historic Quadrangles:
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☐ Site Visit Conducted on: 21 June 2005
☐ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Referencing the Wetland Delineation Report Dated August 11, 2005, Wetland 1 and Nippersink Creek are tributary to the Fox River, a navigable waterway, and are therefore regulated by the Department of the Army. Wetlands 2 and 3 are isolated and not under Department of the Army jurisdiction.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
☐ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ shelving
☐ changes in the character of soil
☐ wetland boundary
☐ construction of terrestrial vegetation
☐ 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 11 August 2005, prepared by Hey and Associates, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: [signature] Date: 8/11/05

Approved by: [signature] Date: 8/11/05

1 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (37 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands and 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: 200501034

REGULATORY PROJECT MANAGER: Kate Bliss
Date: 19 October 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 
At the project site (Y/N) Date: 21 June 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Crater coordinates of site by latitude & longitudinal coordinates: 42-28-34.1873, 88-18-3.2257
Approximate size of site/property (including uplands & in acres): 120.3
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 feet</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
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<td>River</td>
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<td>Stream</td>
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<td>Mudflat</td>
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<td>Sandflat</td>
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<td>Wet meadow</td>
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<td>Playa lake</td>
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<td>Vernal pool</td>
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<td>Natural pool</td>
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<td>Other water (identify type)</td>
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</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>
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<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 support crop yield 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-jurisdiction, 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 as waters of the U.S. occurring onsite):
APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT
U.S. Army Corps of Engineers, Chicago District

APPLICANT: Center Point Properties Trust PROJECT LOCATION/WATERWAY: Northeast of the intersection of Route 6 and Nashbelt Road in Joliet, Will County, Illinois
FILE NUMBER: 20030182 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 jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands) (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(3))
☐ The presence of wetlands adjacent (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 pothies, wet meadows, playas lakes, or natural ponds).
☐ Other:
☐ Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: CHANNAHON
☐ USDA Natural Resources Conservation Service Soil Survey for Will County.
☐ Aerial (Name & Date): Joliet, 2004
☐ Advanced Identification Wetland Maps:
☐ Site Visit Conducted on: December 31, 2003
☐ Other Information:

Rationale for Basis (apply to any boxes checked above): There are no jurisdictional areas in Area E and Area D. Wetland AA and Wetland AC are adjacent to ditch A. Ditch A is hydrologically connected to the Des Plaines River via an underground culvert. Ditch C was determined to not be adjacent, as defined in 33 CFR 328.3 (a)(7), to the Des Plaines River and is therefore not jurisdictional. Ditch C also does not drain to the Des Plaines River.

Lateral Extent of Jurisdiction (33 CFR 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 terrestrial vegetation
☐ Shifting
☐ Erosion

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

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

Recommended by:
☐ Date: 10 Oct 05

Approved by:
☐ Date: 2 Nov 05

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 (87).
APPLICANT: Blazich Construction  
PROJECT LOCATION/WATERWAY: McHenry County
FILE NUMBER: 200500165  
PROJECT REVIEW COMPLETED:  
Office Field
Approved Jurisdictional Determination (JDO) for sites regulated under 33 CFR 320-339. An approved JDO is an appealable action (33 CFR 331.2). An approved JDO is an appealable action (33 CFR 331.2)
Based on available information:
☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site.
☐ There are waters of the United States on the project site.
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

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

Information Reviewed:
- U. S. Fish and Wildlife Service National Wetland Inventory: RICHMOND.
- USDA National Resources Conservation Service Soil Survey for McHenry County.
- U. S. Geological Survey 7.5 Minute Historic Quadrangle:
- U. S. Geological Survey 15 Minute Historic Quadrangles:
- Aerial Photographs (Name & Date) 2002, 2004
- Advanced Identification of Wetland Maps: MCHENRY COUNTY
- Field Visit Conducted on: 12/06/04, 2/28/05, 7/8/05
- Other Information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Two isolated wetlands exist on the subject property, these wetland are not regulated by the Department of the Army. In the southwest corner of the property, a wetland flows west to a mowed area, and a navigable waterway regulated by the Department of the Army.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
- Ordinary High Water Mark indicated by:
  ☐ clear, natural line impressed on the bank
  ☐ the presence of litter and debris
  ☐ changes in the character of soil
- wetland boundary
- destruction of upland 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)(iv) 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 directed to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Information of Wetland Boundaries:
☐ This office concurs with your wetland delineation report dated September 1, 2004 with revisions, prepared by Varga & Associates.
☐ This office does not confirm your wetland boundary

Recommended by:  
Approved by:  
Date: 25 OCT 2005  
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, hydric soils and wetland hydrology). Procedures for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, 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: 200500165

REGULATORY PROJECT MANAGER: Kate Bliss Date: October 21, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (YN) Date: At the project site? (YN) Date: 12/16/04, 2/28/05, 7/08/05

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-28-44.983, 88-17-35.4440
Approximate size of site/property (including uplands & in acres): 24.9
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 feet</th>
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</thead>
<tbody>
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<td>Lake</td>
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</tbody>
</table>

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

Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th></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>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>
<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>
<td>❑</td>
</tr>
<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
</tr>
<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
</tr>
</tbody>
</table>

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

TYPE OF DETERMINATION: Preliminary ❑ Or Approved ❑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):
APPLICANT: Freeman Road Development, LLC PROJECT LOCATION: WATERWAY: Property located north of I-90, south of Freeman Road, east of Illinois Route 47 and west of Powers Road in Hanover, Kane County, Illinois (NE 1/4 of Section
16, T42N R7E)

FILE NUMBER: 700500854 PROJECT REVIEW COMPLETED: O Office X Field

Approved Jurisdictional Determination (JDO) (For sites regulated under 33 CFR 328-330). An approved JDO 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:
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters
of the U.S.)(33 CFR 328.3(a)(1)).
☐ The presence of interstate waters (including interstate wetlands). (33 CFR 328.3(a)(2))
☐ The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3(a)(3))
☐ The presence of wetlands adjacent (booming, 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, wet meadows, playa lakes, or natural ponds).
☐ Other:
☐ Section 10 waterway.

Information Reviewed:
☐ U.S. Fish and Wildlife Service National Wetland Inventory: PINEGROVE GROVE.
☐ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☐ U.S. Ecological Survey 15 Minute Historic Quadrangles:
☐ Aerial Photographs (Name & Date): no source or date (in Wetland Report)
☐ Advanced Identification Wetland Maps: KANE COUNTY
☐ Site Visit Conducted on: August 9, 2005
☐ Other information: FEMA FIRM, USGS Tope, V792 Pinegrove Grove Qual. The V3 Final Wetland Delination and Assessment Report, dated November 2, 2004, revised February 13, 2005

Rationale for Basis (apply in any boxes checked above) Eakin Creek flows into the South Branch of the Kishwaukee River. The South Branch is a tributary of the Kishawauet River, which flows into the Rock River, a navigable waterway. Therefore, Eakin Creek is 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, naugul line impressed on the bank
☐ high-water mark on the edge of lake and ditches in the character of soils
☐ wetland boundary
☐ destruction of terrestrial vegetation
☐ deforestation/ clear-cutting
☐ effects on shellfish
☐ 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)(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 concur your wetland boundary.
☐ Recommended by: Date:
☐ Approved by: Date:

4Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, twelve soils and wetted hydrology). Procedures for determining wetlands on agricultural lands may vary
6 Wetlands restored from other wetlands of the U.S. by man-made dikes or barriers, natural river berms, beach dams, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS 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: 200500324

REGULATORY PROJECT MANAGER: Jaenee Hummert  Date: 10/26/05
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 10/26/05
( Y/N) Date: 10/09/05
PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitude coordinates: Lat: 42.7-25, Lon: 88-24-51
Approximate size of site/property (including uplands & in acres): 170 acres
Name of waterway or watershed: Elkton Creek/Kishwaukee River

SITE CONDITIONS:

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<th>Type of aquatic resource</th>
<th>&lt;8 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear</th>
<th>Unknown</th>
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<td>Other water (identify type)</td>
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*Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

<table>
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<tr>
<th>If Known</th>
<th>If Unknown</th>
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<tr>
<td>Use Best Professional Judgment</td>
<td>Predominantly Occur</td>
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</tbody>
</table>

- Is or would be used as habitat for birds protected by Migratory Bird Treaties?
- Is or would be used at habitat by other nongame 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  [X]

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