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

APPLICANT: Schefflow Engineers, Inc.
PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200600058
PROJECT REVIEW COMPLETED: ☐ Office  ☑ Field

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

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

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

Information Reviewed
☒ U.S. Fish and Wildlife Service National Wetland Inventory: MARENGO SOUTH.
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☒ U.S. Geological Survey 7.5 Minute Historic Quadranglars:
☒ U.S. Geological Survey 15 Minute Historic Quadranglars:
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☒ Site Visit Conducted on: 10/25/2005, 10/31/2005
☐ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Two wetlands exist on the project site. The wetland in the north is an ADID wetland. Both wetlands drain to a ditch which has no identifiable surface water connection to a navigable waterway.

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

Basis for Declining Jurisdiction:
☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely 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 September 28, 2005, prepared by Phoenix Environmental, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: ___________________________ Date: 11/1/2005

Approved by: ___________________________ Date: 11/2/2005

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 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: 200600058

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/01/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project siteY (Y/N) Date: 10/25/2005. 10/31/2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-9-54.5260, 88-32-5.7009
Approximate size of site/property (including uplands & in acres): 95
Name of waterway or watershed:

SITE CONDITIONS:

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

Migratory Bird Rule Factors¹:

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<th></th>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
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<tr>
<td></td>
<td>Yes</td>
<td>No</td>
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<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
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<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<td>Is or would be used as habitat for endangered species?</td>
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<td>Is used to irrigate crops sold in interstate commerce?</td>
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</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: Terraco, Inc. PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200600035 PROJECT REVIEW COMPLETED: ☐ Office ☑ Field

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

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

Basis of Jurisdictional Determination:

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

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

☒ The presence of interstate waters (including interstate wetlands1). (33 CFR 328.3(a)(2))

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

☒ The presence of wetlands adjacent2 to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))

☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).

☐ Other:
☐ Section 10 waterway.

Information Reviewed
☐ U. S. Fish and Wildlife Service National Wetland Inventory:
☐ 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): 2002, 2004
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☐ Site Visit Conducted on: 8/30/2005
☐ Other information:

Rationale for Basis (applies to any boxes checked above): A wetland exists on the site which has a high functioning value, however it does not exhibit a surface water connection to a navigable waterway and is therefore not subject to regulations 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 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 Huff & Huff Inc.
☒ This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 11-1-2005

Approved by: __________________________ Date: 11-1-2005

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 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: Kate Bliss
Date: October 26, 2005

Project Review/Determination Completed:
In the office (Y/N) Date:
At the project site (Y/N) Date: 8/30/2005

Project Location Information:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-17-48.9815, 88-27-17.8526
Approximate size of site/property (including uplands & in acres): 40
Name of waterway or watershed: Kishwaukee

Site Conditions:

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

Migratory Bird Rule Factors:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
<th>Predicted to Occur</th>
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<td>Yes</td>
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</table>

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

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

Type of Determination:

Preliminary
Or Approved

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

PROJECT: Approved Jurisdictional Determination

ACTION: (33 CFR 331.2) An approved JD is an appealable action. (33 CFR 331.2)

Basis of Jurisdictional Determination:

**Information Reviewed**

Rationale for Basis (applies to any boxes checked above): Referencing the Wetland Delineation Report dated May 2005, as prepared by Bollinger, Lach and Associates, Inc., Wetlands 1, 2 and 3 are tributary to the Kishwaukee River. The Kishwaukee River is tributary to the Rock River, a navigable waterway under Department of the Army jurisdiction. Wetlands 4 and 5 appear isolated and are therefore not regulated by the Department of the Army.

**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

**Confirmation of Wetland Boundaries**

- This office concurs with your wetland delineation report dated May 2005, prepared by Bollinger, Lach and Associates, Inc.
- This office does not confirm your wetland boundary

**Recommended by:**

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

DISTRIBUT OFFICE: Chicago
FILE NUMBER: 200500799

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/1/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 6/28/05

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-13-43.2232, 88-25-37.2370
Approximate size of site/property (including uplands & in acres): 67
Name of waterway or watershed: Kishwaukee

SITE CONDITIONS:

<table>
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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
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<th>3-5 ac</th>
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</tbody>
</table>

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

Migratory Bird 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>
<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td>☒</td>
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<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 sold 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: Carl Vandenburg
PROJECT LOCATION/WATERWAY: Southeast of the Intersection of Laraway Road and Route 45 in Frankfort, Will County, Illinois
FILE NUMBER: 200500875

APPROVED JURISDICTIONAL DETERMINATION (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

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

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☒ The presence of interstate waters (including interstate wetlands). (33 CFR 328.3(a)(2))
☒ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3(a)(5))
☒ The presence of wetlands adjacent (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3(a)(7))
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, 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: 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): Frankfort, 2001
☒ Advanced Identification Wetland Maps: ____________.
☐ Site Visit Conducted on: ____________.
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Unnamed Tributary 1/Wetland 1 and Unnamed Tributary 2 are hydrologically connected to Jackson Creek. Jackson Creek flows into the Des Plaines River, a navigable waters of the U.S. and is therefore jurisdictional. Wetland 2 and Wetland 3 are isolated and therefore not jurisdictional.

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

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

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

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

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

Recommended by: ____________ Date: ____________

Approved by: ____________ Date: ____________

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

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

DIRECTION OFFICE: Chicago
FILE NUMBER: 200500875

REGULATORY PROJECT MANAGER: Melyssa Cruz Date: 1 Nov 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) At the project site Y (Y/N) Date: 1 Nov 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: 41 28.44.27 & 87 52.25.26
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>
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<tbody>
<tr>
<td>Lake</td>
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</table>

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

Migratory Bird Rule Factors:

<table>
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<tr>
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</tr>
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<tbody>
<tr>
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<td>Is used to irrigate crops sold in interstate commerce?</td>
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</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):
APPLICANT: Anthony Diasio/ Condon Consulting Engineers PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200501150 PROJECT REVIEW COMPLETED: Office Field

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

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

Basis of Jurisdictional Determination:
- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands1). (33 CFR 328.3 (a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- The presence of wetlands adjacent2 (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: CRYSTAL LAKE.
- 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:
- Advanced Identification Wetland Maps: MCHENRY COUNTY.
- Site Visit Conducted on: 10/3/2005
- Other information: FEMA FIRM map, NRCS Certified Wetland map

Rationale for Basis (applies to any boxes checked above): Two wetlands present on site have no apparent surface water connection to a navigable waterway and are therefore not subject to Department of the Army Regulations.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):
- Ordinary High Water Mark indicated by: clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- wetland boundary
- destruction of terrestrial vegetation
- sheiling
- 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 September 19, 2005, prepared by ENCAP, Inc.
- This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 11-2-2005

Approved by: __________________________ Date: 11-3-2005

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 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: 200501150

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/02/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 10/03/2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-13-44.1471, 88-22-0.3194
Approximate size of site/property (including uplands & in acres): 19
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>
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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:

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

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

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☑

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

FILE NUMBER: 200500818  
PROJECT REVIEW COMPLETED: [ ] Office  

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

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

☐ The presence of interstate waters (including interstate wetlands1). (33 CFR 328.3(a)(2))

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

☐ The presence of wetlands adjacent2 (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: MARENGO 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): 2001, 2002, 2004
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☐ Site Visit Conducted on: 7/19/2005
☐ Other information: NRCS Certified Wetland Determination, FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): The two wetlands present on the site have no apparent surface water connection to waters of the United States.

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

☐ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ the presence of litter and 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 June 20, 2005, prepared by ENCAP, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 11-2-2005

Approved by: __________________________ Date: 11-3-2005

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200500818

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/02/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: At the project site Y (Y/N) Date: 7/19/2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-16-33.8235, 88-33-21.1708
Approximate size of site/property (including uplands & in acres): 56
Name of waterway or watershed: Kishwaukee

SITE CONDITIONS:

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

Migratory Bird Rule Factors¹:

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<th>If Unknown</th>
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Use Best Professional Judgment
Predicted to Occur
Not Expected to Occur
Not Able To Make Determination

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

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: Bill Bohne  PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200501027  PROJECT REVIEW COMPLETED: [Office, Field]

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

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

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

Information Reviewed
- U.S. Fish and Wildlife Service National Wetland Inventory: CRYSTAL LAKE.
- 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: __________.
- Advanced Identification Wetland Maps: MCHENRY COUNTY__.
- Site Visit Conducted on: 9/12/2005.
- Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Wetland 1 as referenced in the Wetland Delineation Report Dated August 12, 2005 as prepared by ENCAP Inc., has no apparent surface water connection to a navigable waterway and is therefore not subject to regulations by the Department of the Army.

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

Basis for Declining Jurisdiction:
- Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
- Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- Area under consideration is 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 8/12/2005, prepared by ENCAP Inc.
- This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 11/3/2005

Approved by: __________________________ Date: 11/3/2005

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 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: 200501027

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/3/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 9/12/2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-12-19.9143, 88-22-22.0074
Approximate size of site/property (including uplands & in acres): 11
Name of waterway or watershed:

SITE CONDITIONS:

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

Migratory Bird Rule Factors:

If Known
Yes No Predicted to Occur Not Expected to Occur Not Able To Make Determination

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

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

Is or would be used as habitat for endangered species?

Is used to irrigate crops sold in interstate commerce?

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: Mr. Ike Alexis
PROJECT LOCATION/WATERWAY: West of Summit Avenue, Approx. 115 Feet North of Roosevelt Road, Villa Park, DuPage County, Illinois

FILE NUMBER: 200500977
PROJECT REVIEW COMPLETED: □ Office □ Field

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

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

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

Information Reviewed
- U. S. Fish and Wildlife Service National Wetland Inventory: HINSDALE.
- USDA Natural Resources Conservation Service Soil Survey for DuPage County.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: 5
- Aerial Photographs (Name & Date):
- Advanced Identification Wetland Maps: DUPAGE COUNTY..
- Site Visit Conducted on: October 20, 2005
- Other information:

Rationale for Basis (applies to any boxes checked above): The two wetland areas identified within the project site do not have a hydrological connection to a navigable waters of the U.S. therefore they are considered isolated.

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

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

Basis for Declining Jurisdiction:
- X 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)
- X 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 April 5, 2005, prepared by WSI Environmental.
- □ This office does not confirm your wetland boundary.

Recommended by: ___________________________ Date: 11/4/05

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 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: 200500977

REGULATORY PROJECT MANAGER: Diedra Willis Date: November 3, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (FY) Date: November 3, 2005
At the project site (SN) Date: October 20, 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
Center coordinates of site by latitude & longitudinal coordinates: 41-51-40.5229 & 87-58-25.6188
Approximate size of site/property (including uplands & in acres): 0.8 acre
Name of waterway or watershed: Salt Creek

SITE CONDITIONS:

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

Migratory Bird Rule Factors:

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<th>If Known</th>
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<tr>
<td></td>
<td>Use Best Professional Judgment</td>
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<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 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? | ☐ | ☐ | ☐ | ☐ |

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: DuPage County Department of Transportation
PROJECT LOCATION/WATERWAY: Jewell Road Between County Farm Rd on the West and Gary Ave on the East in Wheaton and Winfield, DuPage County, Illinois/Winfield Creek

FILE NUMBER: 200501146 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)(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: WEST CHICAGO.
☒ 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): 2002
☒ Advanced Identification Wetland Maps: DUPAGE COUNTY.
☒ Site Visit Conducted on: October 20, 2005
☒ Other information: Wetland Report dated May 3, 2005; prepared by Planning Resources, Inc

Rationale for Basis (applies to any boxes checked above): Wetlands A and C have a hydrological connection to Winfield Creek which is a jurisdictional Waters of the U.S. Wetland B within the project site appears to be isolated and therefore is not a jurisdictional wetland.

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

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

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

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

Recommended by: __________________________ Date: 11-7-05

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 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: 200501146

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

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: November 7, 2005
At the project site (Y/N) Date: October 20, 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
Center coordinates of site by latitude & longitudinal coordinates: 41-52-35.3399 & 88-8-9.4343
Approximate size of site/property (including uplands & in acres): 6
Name of waterway or watershed: Winfield Creek

SITE CONDITIONS:

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

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Predicted to 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? 

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: Housing Resources Company
PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200501155 PROJECT REVIEW COMPLETED: ☐ Office ☑ Field

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

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

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: BARRINGTON.
☒ 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):
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☒ Site Visit Conducted on: 10/31/2005, 11/8/2005
☐ Other information: FEMA FIRM map, NRCS farmed wetland determination, tile survey

Rationale for Basis (applies to any boxes checked above): About 42 acres of wetlands or waters at about 20 locations have been identified on the project site in the Wetland Delineation dated September 19, 2005. None of these have a surface water connection to a navigable waterway and are 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 ☐ destruction of terrestrial vegetation
☐ the presence of litter and debris ☐ shelving
☐ changes in the character of soil ☐ other:
☒ wetland boundary

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

Confirmation of Wetland Boundaries
☐ This office concurs with your wetland delineation report dated September 19, 2005, prepared by Cowhey Gudmundson Leder, Ltd.
☒ This office does not confirm your wetland boundary

Recommended by: ___________________________ Date: 11-15-05
Approved by: ___________________________ Date: 11-16-05

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200501155

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/15/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 10/31/2005, 11/8/2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-10-8.5341, 88-14-57.0240
Approximate size of site/property (including uplands & in acres): 600
Name of waterway or watershed: Fox

SITE CONDITIONS:

<table>
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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
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<td>Lake</td>
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1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state aquatic resource 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>
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</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>

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: US Shelter Group PROJECT LOCATION/WATERWAY: McHenry County/Kishwaukee

FILE NUMBER: 20060070 PROJECT REVIEW COMPLETED: Office

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

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

Basis of Jurisdictional Determination:
- There are no jurisdictional waters of the United States present on the project site.
- The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- The presence of interstate waters (including interstate wetlands). (33 CFR 328.3(a)(2))
- The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3(a)(5))
- The presence of wetlands adjacent 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: HUNTLEY.
- 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): 2002, 2004
- Advanced Identification Wetland Maps: MCHENRY COUNTY.
- Site Visit Conducted on: 10/25/2005
- Other information:

Rationale for Basis (applies to any boxes checked above): The 2 wetlands identified on the south half of the site have no surface water connection to a navigable waterway. The 2 wetlands identified on the north half of the site are nearby a jurisdictional waterway however do not have an apparent surface water connection.

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

Confirmation of Wetland Boundaries:
- This office concurs with your wetland delineation report dated 20 Oct 2005, prepared by Raisanen & Associates.
- This office does not confirm your wetland boundary

Recommended by: __________________________ Date: 11/15/05

Approved by: __________________________ Date: 11/15/05

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600070

REGULATORY PROJECT MANAGER: Kate Bliss
Date: 11/15/05

PROJECT REVIEW/DETERMINATION COMPLETED:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-11-49.6306, 88-26-30.4898
Approximate size of site/property (including uplands & in acres): 130
Name of waterway or watershed: Kishwaukee

SITE CONDITIONS:

<table>
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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
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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.

<table>
<thead>
<tr>
<th>Migratory Bird Rule Factors</th>
<th>If Known</th>
<th>If Unknown</th>
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<tbody>
<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td>Yes ☒</td>
<td>No ☐</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td>Yes ☒</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
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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: Dart Container Corp.  PROJECT LOCATION/WATERWAY: Property located south of I-88, north of Sullivan Road and east of Randall Road in Aurora, Kane County, Illinois (NW 1/4 of Section 9, T38N R7E)

FILE NUMBER: 200500992  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)
☐ 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 an interstate water 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: There is a detention pond on-site.
☐ Section 10 waterway.

Information Reviewed
☒ U.S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH.
☒ U.S. Geological Survey Hydrologic Atlas: 
☒ USDA Natural Resources Conservation Service Soil Survey for Kane County.
☒ U.S. Geological Survey 7.5 Minute Historic Quadrangles: 
☒ U.S. Geological Survey 15 Minute Historic Quadrangles: 
☒ Aerial Photographs (Name & Date): USGS April 10, 2002
☒ Advanced Identification Wetland Maps: KANE COUNTY
☐ Site Visit Conducted on: 
☒ Other information: FEMA FIRM

Rationale for Basis (applies to any boxes checked above): The on-site detention pond 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:
☐ clear, natural line impressed on the bank
☐ the presence of litter and debris
☐ changes in the character of soils
☐ wetland boundary
☐ destruction of terrestrial vegetation
☐ shelving
☐ other:

Basis for Declining Jurisdiction:
☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☒ Area under consideration is not likely 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: 11/14/05

Approved by: Date: 11/15/05

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

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

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS

RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500992

**REGULATORY PROJECT MANAGER:** Jaimee Hammit  
**Date:** 11/14/05

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- In the office (Y/N) **Date:** 11/14/05  
- At the project site (Y/N) **Date:**

**PROJECT LOCATION INFORMATION:**  
- **State:** Illinois  
- **County:** Kane  
- **Center coordinates of site by latitude & longitudinal coordinates:** Lat: 41°47-42, Lon: 88°20-15  
- **Approximate size of site/property (including uplands & in acres):** 74 acres  
- **Name of waterway or watershed:**

### SITE CONDITIONS:

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

### Migratory Bird Rule Factors:

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<tr>
<th>Migratory Bird Rule Factors</th>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td>Yes No</td>
<td>Predicted to Occur Not Expected to Occur Not Able To Make Determination</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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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: Smetana Builders
PROJECT LOCATION/WATERWAY: 380 South Center Street in Braidwood, Illinois 60408
FILE NUMBER: 200501093
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)(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., instate 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: MANHATTAN.
☒ 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, 2000
☒ Advanced Identification Wetland Maps: ________.
☐ Site Visit Conducted on:
☐ Other information:

Rationale for Basis (applies to any boxes 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):
Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank ☐ destruction of terrestrial vegetation
☐ the presence of litter and debris ☐ shelving
☐ changes in the character of soil ☐ other:
☐ wetland boundary

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

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

Recommended by: ___________________________ Date: 05/15/05

Approved by: ___________________________ Date: 05/16/05

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydromorphic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200501093

REGULATORY PROJECT MANAGER: Melyssa Cruz Date: 14 December 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 14 November 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: 41°27'18.19" & 87°53'14.73"
Approximate size of site/property (including uplands & in acres):
Name of waterway or watershed:

SITE CONDITIONS:

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<tr>
<th>Type of aquatic resource</th>
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</table>

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

Migratory Bird Rule Factors:

<p>| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | If Known | If Unknown |
|----|------------------|----------|-----------|</p>
<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>

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: Carl Vandenberg  PROJECT LOCATION/WATERWAY: 92 Acre Property Southeast of the Intersection of Oak Park Avenue and I 80 in Tinley Park, Cook County, Illinois (Section 6, T35N, R13E).

FILE NUMBER: 200500793  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 33 1.2)

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

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: TINLEY PARK.
☒ USDA Natural Resources Conservation Service Soil Survey for Cook County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: ____________.
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: ____________.
☒ Aerials (Name & Date):Cook County 1998, 2003; AirPhoto 2002, 2004
☐ Advanced Identification Wetland Maps: ____________.
☒ Site Visit Conducted on: 8 July 2005
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetlands 1, 2, 4, 5, 6 and 7 do not appear to exhibit a hydrologic connection to navigable waters and are not under jurisdiction of this office. Wetland 3 is part of a large wetland complex that extends off the subject property to the east. That complex drains south into Flossmoor Ditch, then eventually into the Des Plaines River, a navigable water 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 bank ☐ destruction of terrestrial vegetation
☐ the presence of litter and debris ☐ shelving
☐ changes in the character of soil ☐ other:
☒ wetland boundary

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

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

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

Recommended by: ___________________________ Date: 14 Nov 05

Approved by: ___________________________ Date: 10 Nov 05

---

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200500793

REGULATORY PROJECT MANAGER: Steve Gagnon Date: 14 November 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: Y (Y/N) Date: 8 July 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Cook
Center coordinates of site by latitude & longitudinal coordinates: 41-33-5.7749; 87-46-46.7793
Approximate size of site/property (including uplands & in acres): 92
Name of waterway or watershed: Des Plaines

SITE CONDITIONS:

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<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
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<th>5-10 ac</th>
<th>10-25 ac</th>
<th>25-50 ac</th>
<th>&gt; 50 ac</th>
<th>Linear feet</th>
<th>Unknown</th>
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</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>If Known Use Best Professional Judgment</th>
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<tbody>
<tr>
<td>Yes</td>
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<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<tr>
<td>Is or would be used as habitat for endangered species?</td>
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<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
</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):
APPLICANT: Exclusive Land Development, Inc

PROJECT LOCATION/WATERWAY: A 109 Acre Property Located East Of River Road, 1/2 mile north of Kelsey Road In Lake Barrington, Lake County, Illinois (Section 10, T43N, R9E)

FILE NUMBER: 200600078

PROJECT REVIEW COMPLETED: Office ✔ Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed

☐ U. S. Fish and Wildlife Service National Wetland Inventory: .
☐ USDA Natural Resources Conservation Service Soil Survey for Lake County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: .
☐ Aerials (Name & Date):
☐ Advanced Identification Wetland Maps: .
☒ Site Visit Conducted on: September 9, 2005
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetland B, as referenced in your delineation report, is connected to Wagner-Fen Nature Preserve which exhibits a tributary connection to the Fox River, a navigable water. Therefore Wetland B is under the jurisdiction of this office. Wetland A does not exhibit a hydrologic connection to a navigable water and is therefore considered isolated.

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

☐ Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ 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 July 6, 2005, prepared by Phoenix Environmental, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: __________________________ Date: __________________

Approved by: __________________________ Date: 17 Nov 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 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: 200600078

REGULATORY PROJECT MANAGER: Paul Leffler Date: 11/16/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site (Y/N) Date: September 9, 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42°13′25.0993″ 88°10′5.9830″
Approximate size of site/property (including uplands & in acres): 109
Name of waterway or watershed: Fox

SITE CONDITIONS:

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

Migratory Bird Rule Factors1:

<table>
<thead>
<tr>
<th>If Known</th>
<th>If Unknown</th>
<th>Use Best Professional Judgment</th>
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<tbody>
<tr>
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<td>Predicted to Occur</td>
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1Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒

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

FILE NUMBER: 200501025

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

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 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 Lake County.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles:
- U. S. Geological Survey 15 Minute Historic Quadrangles:
- Aerials (Name & Date): Lake County 1939, 2000, & 2004; PhotoMapper 2001, 2002, & 2004
- Advanced Identification Wetland Maps: LAKE COUNTY.
- Site Visit Conducted on: July 7, 2005
- Other information:

Rationale for Basis (applies to any boxes checked above): Bluff Lake and two wetlands, labeled Wetland 1 & 2 in submittal, are on the property. Wetland 1 is adjacent to Bluff Lake and Bluff Lake is a navigable water of the United States, part of the Fox Chain of Lakes system, therefore both Wetland 1 and Bluff Lake are under the jurisdiction of the Department of the Army. Wetland 2 does not have a discernable hydrologic connection to a water of the United States and is 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

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: ORIGINAL SIGNED Date: 17 NOV 05

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200501025

REGULATORY PROJECT MANAGER: Michael Murphy Date: 11-16-2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 11-16-2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42 27 26.1830, 88 8 10.2824
Approximate size of site/property (including uplands & in acres): 42
Name of waterway or watershed: Bluff Lake/Fox River

SITE CONDITIONS:

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

Migratory Bird Rule Factors:

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<tr>
<th>If Known</th>
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<tr>
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<tr>
<td>Is used to irrigate crops sold in interstate commerce?</td>
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</table>

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

TYPE OF DETERMINATION: Preliminary ☑ Or Approved ☑

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

APPLICANT: Mackie Consultants PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200501072 PROJECT REVIEW COMPLETED: ☐ Office ☑ Field

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

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

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands). (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 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: FOX LAKE.
☐ USDA National Resources Conservation Service Soil Survey for McHenry County.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: FOX LAKE.
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: FOX LAKE.
☐ Aerial Photographs (Name & Date): 2002, 2004
☐ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☐ Site Visit Conducted on: 10/3/2005
☐ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): The unvegetated drainageway identified in the Wetland Delineation Report drains to the Fox River, a navigable waterway, and is therefore jurisdictional. The wetland located in the west portion of the site has no apparent surface water connection to navigable waterway and is not subject to Department of the Army Regulations.

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

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely 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 August 23, 2005, prepared by Christopher B. Burke Engineering, Ltd.
☐ This office does not confirm your wetland boundary

Recommended by: Date: 11-16-05

Approved by: ORIGINAL SIGNED Date: 11-16-05

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200501072

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/16/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: (Y/N) Date: 10/03/2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-23-14.9406, 88-13-44.2437
Approximate size of site/property (including uplands & in acres): 5.7
Name of waterway or watershed: Fox River

SITE CONDITIONS:

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

Migratory Bird Rule Factors:

If Known | If Unknown Use Best Professional Judgment
Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination

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<th>factor</th>
<th>Yes</th>
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<th>Predicted to Occur</th>
<th>Not Expected to Occur</th>
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<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
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<td>Is or would be used as habitat for endangered species?</td>
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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: George Amend  PROJECT LOCATION/WATERWAY: 4.8 Acre Property North of the Intersection of North Street and Park Avenue in Palatine, Cook County, Illinois (Section 9, T42N, R10E).

FILE NUMBER: 200500983  PROJECT REVIEW COMPLETED:  Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

☒ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including interstate 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: LAKE ZURICH.
☒ USDA Natural Resources Conservation Service Soil Survey for Cook County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles: _______.
☒ U. S. Geological Survey 15 Minute Historic Quadrangles: _______.
☒ Aerials (Name & Date): Cook County 1998
☒ Advanced Identification Wetland Maps: _______.
☒ Site Visit Conducted on: 4 November 2005
☐ Other information:

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

A small wetland is located in the east part of the property. It appears to drain southeast into an offsite depressional area. There is a culvert that connects that area under North Street, but observations by locals indicate that the water level does not get high enough to enter the culvert and flow south.

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

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

Basis for Declining Jurisdiction:

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

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

Confirmation of Wetland Boundaries

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

Recommended by: ORIGINAL SIGNED Date:

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 hydromorphic 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: 200500983

REGULATORY PROJECT MANAGER: Steve Gagnon Date: 15 November 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 4 November 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: Cook
Center coordinates of site by latitude & longitudinal coordinates: 42°8'-11.1111; 88°4'-35.2478
Approximate size of site/property (including uplands & in acres): 4.8
Name of waterway or watershed: Des Plaines

SITE CONDITIONS:

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<tr>
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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.

Migratory Bird Rule Factors:

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

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

TYPE OF DETERMINATION: Preliminary □ Or Approved ☑

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

APPLICANT: Comstock Earthmoving  
PROJECT LOCATION/WATERWAY: 83rd Street 600 feet East of Madison Street, Village of Burr Ridge, DuPage County, Illinois

FILE NUMBER: 200500229  
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).
☒ 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 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: SAG BRIDGE.
☒ 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): 2002.
☒ Advanced Identification Wetland Maps: DUPAGE COUNTY.
☐ Site Visited Conducted on:
☐ Other information: wetland submittal dated October 2004 prepared by Planning Resources, Inc.

Rationale for Basis (applies to any boxes checked above): The wetland and open water areas within the project site are isolated areas that do not appear to have a hydrological connection to a navigable waters of the U.S.

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

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

Basis for Declining Jurisdiction:
☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely 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: 1/19/05

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

2 Wetlands separated from other waters of the U.S. by man-made 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: 200500229

REGULATORY PROJECT MANAGER: Diedra Willis  Date: November 16, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y)  Date: November 16, 2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: DuPage
Center coordinates of site by latitude & longitudinal coordinates: 41-44-12.9827 & 87-55-50.2809
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>
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1Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors:

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

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: David H. Thompson Living Trust  PROJECT LOCATION/WATERWAY: Property located south of Illinois Route 72 and east of Getzelman Road in Hampshire, Kane County, Illinois (E 1/2 of SE 1/4 of Section 27 and NE 1/4 of NE 1/4 of Section 34, T42N R6E)

FILE NUMBER: 200500872  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)(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: non-jurisdictional ditch
☐ Section 10 waterway.

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: HAMPSHIRE.
☒ 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): no name or date
☒ Advanced Identification Wetland Maps: KANE COUNTY
☒ Site Visit Conducted on:
☐ Other information:

Rationale for Basis (applies to any boxes checked above): The tributary on-site flows into Hampshire Creek, which is tributary to Burlington Creek. Burlington Creek flows into Coon Creek, which is a tributary of the Kishwaukee River, a navigable waterway. Therefore the unnamed tributary on-site (Area 2) is under the jurisdiction of the U.S. Army Corps of Engineers. Area 1 is isolated and not under the jurisdiction of the U.S. Army Corps of Engineers. Area 3 is a ditch excavated in an upland area and is therefore 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
☐ 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:  11/18/05

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 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).
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: 200500872

REGULATORY PROJECT MANAGER: Jaimee Hammit
Date: 11/18/05

PROJECT REVIEW/DETERMINATION COMPLETED:
In the office
(Y/N) Date: 11/18/05
At the project site
(Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County: Kane
Center coordinates of site by latitude & longitudinal coordinates:
Lat: 42-5-3, Lon: 88-30-45
Approximate size of site/property (including uplands & in acres):
120 acres
Name of waterway or watershed:
unnamed tributary/Kishwaukee River

SITE CONDITIONS:

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

Migratory Bird Rule Factors¹:

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

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

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☑

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):
APPLICANT: Starzwood Homes, Inc.  PROJECT LOCATION/WATERWAY: Sylvan Lake watershed
FILE NUMBER: 200500663  PROJECT REVIEW COMPLETED: X Office X Field

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

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 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 Lake County.
- U. S. Geological Survey 7.5 Minute Historic Quadrangles: __________
- U. S. Geological Survey 15 Minute Historic Quadrangles: __________
- Aerials (Name & Date): Lake County 1939, 2000, & 2004; PhotoMapper 2001, 2002, & 2004
- Advanced Identification Wetland Maps: LAKE COUNTY.
- Site Visit Conducted on: February 18, 2003
- Other information:

Rationale for Basis (applies to any boxes checked above): The wetlands labeled C thru H in the wetland delineation have a surface connection to the Des Plaines River via Sylvan Lake and Indian Creek. The Des Plaines River is a navigable water of the United States below Hoffman Dam, therefore all of its tributaries, including wetlands C thru H, are also waters of the United States under the jurisdiction of the Department of the Army. Wetlands A, B, and I do not have a demonstrable hydrologic connection to a navigable water of the United States and are 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
- shelving
- 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
- Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

Confirmation of Wetland Boundaries
- This office concurs with your wetland delineation report dated November 19, 2002, prepared by Manhard Consulting.
- This office does not confirm your wetland boundary

Recommended by: ___________________________  Date: ___________________________
Approved by: ___________________________  Date: ___________________________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
2Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS Resulting FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200500663

REGULATORY PROJECT MANAGER: Michael Murphy Date: 11-21-2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 11-21-2005
At the project site (Y/N) Date: 2-18-2003

PROJECT LOCATION INFORMATION:
State: Illinois
County: Lake
Center coordinates of site by latitude & longitudinal coordinates: 42 14.42.4098, 88 3 19.7724
Approximate size of site/property (including uplands & in acres): 79
Name of waterway or watershed: Des Plaines River

SITE CONDITIONS:

<table>
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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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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:

If Known | If Unknown Use Best Professional Judgment
---|---
Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination

Is or would be used as habitat for birds protected by Migratory Bird Treaties?
☐ | ☐ | ☐ | ☐ | ☐

Is or would be used as habitat by other migratory birds that cross state lines?
☐ | ☐ | ☐ | ☐ | ☐

Is or would be used as habitat for endangered species?
☐ | ☐ | ☐ | ☐ | ☐

Is used to irrigate crops sold in interstate commerce?
☐ | ☐ | ☐ | ☐ | ☐

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: Wheaton Park District PROJECT LOCATION/WATERWAY: North of Monroe junior High School on Both Sides of the Union Pacific Railroad Tracks in the Village of Wheaton, DuPage County, Illinois

FILE NUMBER: 200600177 PROJECT REVIEW COMPLETED: ☒ Office ☐ Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: NAPERVILLE.
☒ 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):1999 and 2002
☒ Advanced Identification Wetland Maps: D U P A G E C O U N T Y.
☐ Site Visit Conducted on:

Rationale for Basis (applies to any boxes checked above): Wetland areas 1, 2 and 3 identified within the project site appear to not have a hydrological connection to navigable waters of the U.S. and are therefore considered isolated.

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

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

Basis for Declining Jurisdiction:

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

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

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

Recommended by: ___________________________ Date: /1-23-05

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, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200600177

REGULATORY PROJECT MANAGER: Diedra Willis Date: November 23, 2005

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

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:

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

Migratory Bird Rule Factors¹:

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?

If Known | If Unknown
Use Best Professional Judgment

<table>
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<th>Yes</th>
<th>No</th>
<th>Predicted to Occur</th>
<th>Not Expected to Occur</th>
<th>Not Able To Make Determination</th>
</tr>
</thead>
</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 [x]

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

PROJECT LOCATION/WATERWAY: North of Stuenkel Road West of 80th Avenue in Green Garden, Will County, Illinois

FILE NUMBER: 200501075

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)(5))
☐ The presence of 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: 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, 2001
☒ Advanced Identification Wetland Maps:
☒ Site Visit Conducted on: October 17, 2005
☐ Other information:

Rationale for Basis (applies to any boxes checked above): Wetland A, B and D are isolated wetlands and are therefore not jurisdictional. Wetland C is hydrologically connected to a tributary to Hickory Creek. Hickory Creek drains into the Des Plaines River, a navigable waters of the U.S.

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) [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: _______ 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).

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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: 200501073

REGULATORY PROJECT MANAGER: Melyssa Cruz Date: 1 Nov 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 1 Nov 2005
At the project site Y (Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: 41 27.28.20 & 87 48.46.43
Approximate size of site/property (including uplands & in acres):

SITE CONDITIONS:

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

Migratory Bird Rule Factors1:

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

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

TYPE OF DETERMINATION: Preliminary □ Or Approved □

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

APPLICANT: Von Bosse
PROJECT LOCATION/WATERWAY: Kishwaukee

FILE NUMBER: 200500798
PROJECT REVIEW COMPLETED: ☐ Office ☑ Field

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

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

Basis of Jurisdictional Determination:

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: HUNTLEY.
☒ USDA National Resources Conservation Service Soil Survey for McHenry County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles: ____________.
☒ Aerial Photographs (Name & Date): 2001, 2002, 2004
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☒ Site Visit Conducted on: 6/28/2005
☒ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): The waters of the United States on the southeast portion of the site and two adjacent wetland areas are jurisdictional. Two wetlands in the northeast portion of the site have no apparent surface water connection and considered 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
☐ 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 September 2003, prepared by Bollinger, Lach & Associates, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: ___________________________ Date: 11-10-2005

Approved by: ___________________________ Date: 11-14-2005

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200500798

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/10/05

PROJECT REVIEW/DETERMINATION COMPLETED:
In the office (Y/N) Date: 6/28/05
At the project site (Y/N) Date: 6/28/05

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitute & longitudinal coordinates: 42-13-55.5063, 88-25-35.0271
Approximate size of site/property (including uplands & in acres): 39.7
Name of waterway or watershed: South Branch of the Kishwaukee 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>
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<tr>
<td>Lake</td>
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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 Factors¹:

<table>
<thead>
<tr>
<th></th>
<th>If Known</th>
<th>If Unknown Use Best Professional Judgment</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>No</td>
</tr>
<tr>
<td>Is or would be used as habitat for birds protected by Migratory Bird Treaties?</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>Is or would be used as habitat by other migratory birds that cross state lines?</td>
<td>☒</td>
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</tr>
<tr>
<td>Is or would be used as habitat for endangered species?</td>
<td>☐</td>
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</tr>
<tr>
<td>Is used to irrigate crops sold 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: Pasquinelli Development
PROJECT LOCATION/WATERWAY: South of W. 143rd and West of Lemont Road, Will County, Illinois
FILE NUMBER: 20050986
PROJECT REVIEW COMPLETED: ☒ Office ☒ Field

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

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

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

Information Reviewed
- U. S. Fish and Wildlife Service National Wetland Inventory: ROMEOVILLE.
- USDA Natural Resources Conservation Service Soil Survey for Will County.
- Advanced Identification Wetland Maps: _______.
- Site Visit Conducted on: October 17, 2005
- Other information:

Rationale for Basis (applies to any boxes checked above): Intermittent Drainageway 1 and Wetland 5 are jurisdictional due to their hydrologic connection to the Des Plaines River, a navigable waters of the U.S. Wetlands 1-4 are isolated and therefore not jurisdictional.

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

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

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

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

Recommended by: ________ Date: __________
Approved by: ________ Date: __________

1Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydromorphic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).
2 Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago
FILE NUMBER: 200500986

REGULATORY PROJECT MANAGER: Melyssa Cruz       Date: 1 Nov 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 1 Nov 2005
At the project site (Y/N) Date:

PROJECT LOCATION INFORMATION:
State: Illinois
County: Will
Center coordinates of site by latitude & longitudinal coordinates: 41-37-31.7943 & 88-0-18.0107
Approximate size of site/property (including uplands & in acres):
Name of waterway or watershed:

SITE CONDITIONS:

<table>
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<tr>
<th>Type of aquatic resource</th>
<th>0-1 ac</th>
<th>1-3 ac</th>
<th>3-5 ac</th>
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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
---|---
Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination

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

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

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☑

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

APPLICANT: Condon Consulting Engineering
PROJECT LOCATION/WATERWAY: McHenry County, Fox

FILE NUMBER: 200501122 PROJECT REVIEW COMPLETED: ⬜ Office ⬜ Field

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

Based on available information:

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

Basis of Jurisdictional Determination:

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

Information Reviewed
☒ U. S. Fish and Wildlife Service National Wetland Inventory: RICHMOND.
☒ USDA National Resources Conservation Service Soil Survey for McHenry County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
☒ U. S. Geological Survey 15 Minute Historic Quadrangles:
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☒ Site Visit Conducted on: 10/3/2005
☒ Other information: USGS Farmed Wetland Determination

Rationale for Basis (applies to any boxes checked above): The wetland present in the central western portion of the site has no surface water connection to a navigable waterway. The waters present on the southeast portion of the site are tributary to Dutch Creek, which is tributary to the Fox River, a navigable waterway.

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 April 8, 2005, prepared by Hey and Associates, Inc.
☐ This office does not confirm your wetland boundary

Recommended by: ___________________________ Date: 11-15-05

Approved by: ___________________________ Date: 11-16-05

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

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

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

DISTRICT OFFICE: Chicago
FILE NUMBER: 200501122

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/15/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 10/3/2005

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-23-50.6053, 88-17-1.4200
Approximate size of site/property (including uplands & in acres): 97.6
Name of waterway or watershed: Fox

SITE CONDITIONS:

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

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

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒

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

APPLICANT: Ruth Investments
PROJECT LOCATION/WATERWAY: McHenry County

FILE NUMBER: 200401126
PROJECT REVIEW COMPLETED: ☐ Office ☑ Field

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

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

Basis of Jurisdictional Determination:
☐ There are no jurisdictional waters of the United States present on the project site.
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
☐ The presence of interstate waters (including interstate wetlands). (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 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: HUNTELY.
☒ USDA National Resources Conservation Service Soil Survey for McHenry County.
☒ U. S. Geological Survey 7.5 Minute Historic Quadrangles: HUNTELY, 1941.
☒ Aerial Photographs (Name & Date): 2002, 2004
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY.
☒ Site Visit Conducted on: 10/21/04, 10/17/05
☒ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Referencing the original Wetland Delineation Report dated August 2004, as prepared Smith Engineering. Wetlands 1 and 2 are isolated and not regulated by Section 404 of the Clean Water Act. Wetland 3 exhibits a hydrological connection to a navigable water and is therefore jurisdictional. Referencing the Wetland Delineation Addendum dated July 29, 2005, as prepared by Smith Engineering, the newly identified Wetlands 1 and 2 are isolated and not subject to Department of the Army regulations.

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

Ordinary High Water Mark indicated by:
☐ clear, natural line impressed on the bank
☐ 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)(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 Smith Engineering.
☐ This office does not confirm your wetland boundary

Recommended by: ______________________ Date: 10-28-05

Approved by: ______________________ Date: 11-3-05

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

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

DISTRIBUT OFFICE: Chicago
FILE NUMBER: 200401126

REGULATORY PROJECT MANAGER: Kate Bliss Date: 11/28/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:
At the project site Y (Y/N) Date: 10/21/04, 10/17/05

PROJECT LOCATION INFORMATION:
State: Illinois
County: McHenry
Center coordinates of site by latitude & longitudinal coordinates: 42-11-6.2125, 88-28-28.1630
Approximate size of site/property (including uplands & in acres): 60
Name of waterway or watershed: Kishwauke

SITE CONDITIONS:

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

Migratory Bird Rule Factors¹:

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

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒

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

APPLICANT: Waukegan Park District
PROJECT LOCATION/WATERWAY: Lake County

FILE NUMBER: 200600124  PROJECT REVIEW COMPLETED: Office Field

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

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

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

Information Reviewed
☒ U.S. Fish and Wildlife Service National Wetland Inventory: ZION.
☒ 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): 2004, 2002
☒ Advanced Identification Wetland Maps: LAKE COUNTY.
☒ Site Visit Conducted on: 11/17/05
☒ Other information: FEMA FIRM map

Rationale for Basis (applies to any boxes checked above): Referencing the Wetland Delineation Report dated March 31, 2005, Wetland 3 flows east to Wetland 1, which is the Waukegan River. The Waukegan River flows to Lake Michigan, a navigable waterway, therefore Wetlands 1 and 3 are jurisdictional. Wetland 2 located on the south portion of the site is an isolated, excavated pond and is not jurisdictional.

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

Basis for Declining Jurisdiction:
☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Area under consideration is not likely 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 March 31, 2005, prepared by Applied Ecological Services, Inc.
☒ This office does not confirm your wetland boundary

Recommended by: ___________________________ Date: 11-28-05

Approved by: ___________________________ Date: 12/11/05

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

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

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200600124

**REGULATORY PROJECT MANAGER:** Kimberly Fisher  
**Date:** 11/28/05

**PROJECT REVIEW/DETERMINATION COMPLETED:**  
- **In the office** (Y/N) **Date:** At the project site Y (Y/N) **Date:** 11/17/05

**PROJECT LOCATION INFORMATION:**  
- **State:** Illinois  
- **County:** Lake  
- **Center coordinates of site by latitude & longitudinal coordinates:** 42-23-52.4685, 87-51-35.1280  
- **Approximate size of site/property (including uplands & in acres):** 155  
- **Name of waterway or watershed:** Waukegan River

**SITE CONDITIONS:**

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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>Migratory Bird Rule Factors</th>
<th>If Known Use Best Professional Judgment</th>
<th>If Unknown 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 Treaties?</td>
<td>☒ Yes</td>
<td>☐ No</td>
<td>☐ Predicted not to Occur</td>
</tr>
<tr>
<td>Is or would be used as habitat for birds protected by other migratory birds that cross state lines?</td>
<td>☒ Yes</td>
<td>☐ No</td>
<td>☐ Predicted not to Occur</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>☒ Yes</td>
<td>☐ No</td>
<td>☐ Predicted not to Occur</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):