

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 6/30/2011**
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, **Fox River, LRC-2007-556**
C. PROJECT LOCATION AND BACKGROUND INFORMATION: The Fox River within the Chicago District, USACE
State: Illinois County: **Lake, McHenry, Kane** City: Multiple
Center coordinates of site (lat/long in degree decimal format): Lat. 42.0483048 ° N, Long. 88.2915890 ° W.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Fox River and Chain of Lakes**
Name of watershed or Hydrologic Unit Code (HUC): **Upper Fox (07120006), Lower Fox (07120007)**
 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
D. REVIEW PERFORMED FOR SITE EVALUATION: Office (Desk) Determination. Date: 10/19/2007

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: Defined in People of State of Ill. ex rel. Scott v. Hoffman, No. P-CIV-76-45, slip op. at 7 (S.D.Ill. Jan. 20, 1979).

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

- a. Indicate presence of waters of U.S. in review area:** TNWs, including territorial seas
b. Identify (estimate) size of waters of the U.S. in the review area:
Non-wetland waters: 387544 linear feet: width (ft) and/or 10800 acres.
c. Limits (boundaries) of jurisdiction based on: **Established by OHWM.**
Elevation of established OHWM (if known): .

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: **Fox River and the Chain of Lakes.**

Summarize rationale supporting determination: The Fox River is defined as a navigable waterway in People of State of Ill. ex rel. Scott v. Hoffman, No. P-CIV-76-45, slip op. at 7 (S.D.Ill. Jan. 20, 1979).

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

- 1. TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: 387544 linear feet width (ft), Or, 10800 acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: See Below.
 Corps navigable waters' study: .
 U.S. Geological Survey Hydrologic Atlas: .
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: Multiple 7.5" quads.
 FEMA/FIRM maps: .
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): , or Other (Name & Date): .
 Previous determination(s). File no. and date of response letter: multiple.
 Applicable/supporting case law: People of State of Ill. ex rel. Scott v. Hoffman, No. P-CIV-76-45, (S.D.Ill. Jan. 20, 1979)
 Other information (please specify): .