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

**JD Status: DRAFT**

## SECTION I: BACKGROUND INFORMATION

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 25-May-2012

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Chicago District, LRC-2012-00378-JD1

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

| | |
|---|---|
| **State :** | IL - Illinois |
| **County/parish/borough:** | Cook |
| **City:** | |
| **Lat:** | 41.68453 |
| **Long:** | -87.97258 |
| **Universal Transverse Mercator** | Folder UTM List<br>*UTM list determined by folder location*<br>• NAD83 / UTM zone 16N<br>Waters UTM List<br>*UTM list determined by waters location* |

**Name of nearest waterbody:**
**Name of nearest Traditional Navigable Water (TNW):**
**Name of watershed or Hydrologic Unit Code (HUC):**

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc¿) are associated with the action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office Determination Date: 30-May-2012

Field Determination Date(s):

## SECTION II: SUMMARY OF FINDINGS

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION**

**There** "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 subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**Explain:**

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There "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:**[1]

| Water Name | Water Type(s) Present |
|---|---|
| Great Lakes Quarry No. 1 | Wetlands adjacent to TNWs |
| Great Lakes Quarry No. 2 | Wetlands adjacent to TNWs |

**b. Identify (estimate) size of waters of the U.S. in the review area:**

**Area:** ($m^2$)

**Linear:** (m)

**c. Limits (boundaries) of jurisdiction:**

**based on:**
**OHWM Elevation:** (if known)

**2. Non-regulated waters/wetlands:**[3]

**Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:**

## SECTION III: CWA ANALYSIS

### A. TNWs AND WETLANDS ADJACENT TO TNWs

**1.TNW**
Not Applicable.

**2. Wetland Adjacent to TNW**

| Wetland Name | Summarize rationale supporting conclusion that wetland is "adjacent": |
|---|---|
| Great Lakes Quarry No. 1 | Quarry is between two TNW on narrow strip of land; less that 100 yards away. |
| Great Lakes Quarry No. 2 | Quarry is on a strip of land between two TNW's; less than 100 yards away. |

### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**
**Watershed size:**
**Drainage area:**
**Average annual rainfall:** inches
**Average annual snowfall:** inches

**(ii) Physical Characteristics**
**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through [ ] tributaries before entering TNW.

:Number of tributaries

**Project waters are** river miles from TNW.
**Project waters are** river miles from RPW.
**Project Waters are** aerial (straight) miles from TNW.
**Project waters are** aerial(straight) miles from RPW.

Project waters cross or serve as state boundaries.

**Explain:**

**Identify flow route to TNW:**[5]

**Tributary Stream Order, if known:**
Not Applicable.

**(b) General Tributary Characteristics:**

**Tributary is:**
Not Applicable.

**Tributary properties with respect to top of bank (estimate):**
Not Applicable.

**Primary tributary substrate composition:**
Not Applicable.

**Tributary (conditions, stability, presence, geometry, gradient):**
Not Applicable.

**(c) Flow:**
Not Applicable.

**Surface Flow is:**
Not Applicable.

**Subsurface Flow:**
Not Applicable.

**Tributary has:**
Not Applicable.

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:**

**High Tide Line indicated by:**
Not Applicable.

**Mean High Water Mark indicated by:**
Not Applicable.

**(iii) Chemical Characteristics:**
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality;general watershed characteristics, etc.).**
Not Applicable.

**(iv) Biological Characteristics. Channel supports:**
Not Applicable.

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**
**(a) General Wetland Characteristics:**
**Properties:**
Not Applicable.

**(b) General Flow Relationship with Non-TNW:**

**Flow is:**
Not Applicable.

**Surface flow is:**
Not Applicable.

**Subsurface flow:**
Not Applicable.

**(c) Wetland Adjacency Determination with Non-TNW:**
Not Applicable.

**(d) Proximity (Relationship) to TNW:**
Not Applicable.

**(ii) Chemical Characteristics:**
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).**
Not Applicable.

**(iii) Biological Characteristics. Wetland supports:**
Not Applicable.

**3. Characteristics of all wetlands adjacent to the tributary (if any):**

**All wetlands being considered in the cumulative analysis:**
Not Applicable.

**Summarize overall biological, chemical and physical functions being performed:**
Not Applicable.

## C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Significant Nexus: Not Applicable**

## D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

**1. TNWs and Adjacent Wetlands:**

| Wetland Name | Type | Size (Linear) (m) | Size (Area) (m²) |
|---|---|---|---|
| Great Lakes Quarry No. 1 | Wetlands adjacent to TNWs | - | 22257.708 |
| Great Lakes Quarry No. 2 | Wetlands adjacent to TNWs | - | 141639.96 |
| **Total:** | | **0** | **163897.668** |

**2. RPWs that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**
Not Applicable.

**3. Non-RPWs that flow directly or indirectly into TNWs:[8]**
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**

Not Applicable.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**
Not Applicable.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**
Not Applicable.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide estimates for jurisdictional wetlands in the review area:**
Not Applicable.

**7. Impoundments of jurisdictional waters:[9]**
Not Applicable.

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS:[10]**
Not Applicable.

**Identify water body and summarize rationale supporting determination:**
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**
Not Applicable.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS**

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements:

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce:

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based soley on the "Migratory Bird Rule" (MBR):

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain):

Other (Explain):

**Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:**
Not Applicable.

**Provide acreage estimates for non-jurisdictional waters in the review area, that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.**
Not Applicable.

## SECTION IV: DATA SOURCES.

**A. SUPPORTING DATA. Data reviewed for JD**
(listed items shall be included in case file and, where checked and requested, appropriately reference below):

| Data Reviewed | Source Label | Source Description |
|---|---|---|
| --Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant | - | - |
| --Corps navigable waters study | - | - |
| --U.S. Geological Survey Hydrologic Atlas | - | - |
| ----USGS 8 and 12 digit HUC maps | - | - |
| --Photographs | - | - |
| ----Aerial | - | - |
| --Applicable/supporting case law | - | - |

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**
Not Applicable.

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[1]-Boxes checked below shall be supported by completing the appropriate sections in Section III below.

[2]-For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

[3]-Supporting documentation is presented in Section III.F.

[4]-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

[5]-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

[6]-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

[7]-Ibid.

[8]-See Footnote #3.

[9] -To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] -Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

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

## SECTION I: BACKGROUND INFORMATION

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 12-Apr-2012

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Chicago District, LRC-2011-00025-JD1

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

| | |
|---|---|
| **State :** | IL - Illinois |
| **County/parish/borough:** | McHenry |
| **City:** | Algonquin |
| **Lat:** | 42.18544 |
| **Long:** | -88.33549 |
| **Universal Transverse Mercator** | Folder UTM List<br>*UTM list determined by folder location*<br>• NAD83 / UTM zone 16N<br>Waters UTM List<br>*UTM list determined by waters location*<br>• NAD83 / UTM zone 16N |
| **Name of nearest waterbody:** | Fox River |
| **Name of nearest Traditional Navigable Water (TNW):** | Fox River |
| **Name of watershed or Hydrologic Unit Code (HUC):** | Fox River |

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc¿) are associated with the action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office Determination Date: 12-Apr-2012

Field Determination Date(s): 28-Apr-2011
10-Apr-2012

## SECTION II: SUMMARY OF FINDINGS

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION**

There "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 subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce

**Explain:**

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There "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:**[1]

| Water Name | Water Type(s) Present |
|---|---|
| LRC-2011-25 Wetland AH | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland C | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland D | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland F | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland G | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland H & I | Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland K | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland M | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland N | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |
| LRC-2011-25 Wetland O | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs |

**b. Identify (estimate) size of waters of the U.S. in the review area:**

**Area:** (m²)
**Linear:** (m)

**c. Limits (boundaries) of jurisdiction:**

**bssed on:**
**OHWM Elevation:** (if known)

**2. Non-regulated waters/wetlands:**[3]

**Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:**

## SECTION III: CWA ANALYSIS

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

**1.TNW**
Not Applicable.

**2. Wetland Adjacent to TNW**
Not Applicable.

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(I) General Area Conditions:**
**Watershed size:**
**Drainage area:**
**Average annual rainfall:** inches
**Average annual snowfall:** inches

**(ii) Physical Characteristics**
**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through [ ] tributaries before entering TNW.

:Number of tributaries

**Project waters are** river miles from TNW.
**Project waters are** river miles from RPW.
**Project Waters are** aerial (straight) miles from TNW.
**Project waters are** aerial(straight) miles from RPW.

Project waters cross or serve as state boundaries.

**Explain:**

**Identify flow route to TNW:**[5]

**Tributary Stream Order, if known:**

| Order | Tributary Name |
|---|---|
| - | LRC-2011-25 Wetland H & I |

**(b) General Tributary Characteristics:**
**Tributary is:**

| Tributary Name | Natural | Artificial | Explain | Manipulated | Explain |
|---|---|---|---|---|---|
| LRC-2011-25 Wetland H & I | - | - | - | X | straigtened through development of area |

**Tributary properties with respect to top of bank (estimate):**

| Tributary Name | Width (ft) | Depth (ft) | Side Slopes |
|---|---|---|---|
| LRC-2011-25 Wetland H & I | 5 | 1 | 2:1 |

**Primary tributary substrate composition:**

| Tributary Name | Silt | Sands | Concrete | Cobble | Gravel | Muck | Bedrock | Vegetation | Other |
|---|---|---|---|---|---|---|---|---|---|
| LRC-2011-25 Wetland H & I | - | - | - | - | - | - | - | - | - |

**Tributary (conditions, stability, presence, geometry, gradient):**

| Tributary Name | Condition\Stability | Run\Riffle\Pool Complexes | Geometry | Gradient (%) |
|---|---|---|---|---|
| LRC-2011-25 Wetland H & I | Some areas are hard armored, other areas mostly vegetated | - | Relatively straight | 1 |

**(c) Flow:**

| Tributary Name | Provides for | Events Per Year | Flow Regime | Duration & Volume |
|---|---|---|---|---|
| LRC-2011-25 Wetland H & I | Perennial flow | 20 (or greater) | continuous | - |

**Surface Flow is:**

| Tributary Name | Surface Flow | Characteristics |
|---|---|---|
| LRC-2011-25 Wetland H & I | Confined | - |

**Subsurface Flow:**

| Tributary Name | Subsurface Flow | Explain Findings | Dye (or other) Test |
|---|---|---|---|
| LRC-2011-25 Wetland H & I | Unknown | - | - |

**Tributary has:**

| Tributary Name | Bed & Banks | OHWM | Discontinuous OHWM[7] | Explain |
|---|---|---|---|---|
| LRC-2011-25 Wetland H & I | X | - | - | - |

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:**

**High Tide Line indicated by:**
Not Applicable.

**Mean High Water Mark indicated by:**
Not Applicable.

**(iii) Chemical Characteristics:**
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality;general watershed characteristics, etc.).**

| Tributary Name | Explain | Identify specific pollutants, if known |
|---|---|---|
| LRC-2011-25 Wetland H & I | unknown | - |

**(iv) Biological Characteristics. Channel supports:**

| Tributary Name | Riparian Corridor | Characteristics | Wetland Fringe | Characteristics | Habitat |
|---|---|---|---|---|---|
| LRC-2011-25 Wetland H & I | - | - | - | - | X |

**Habitat for: (as indicated above)**

| Tributary Name | Habitat | Federally Listed Species | Explain Findings | Fish\Spawn Areas | Explain Findings | Other Environmentally Sensitive Species | Explain Findings | Aquatic\Wildlife Diversity | Explain Findings |
|---|---|---|---|---|---|---|---|---|---|
| LRC-2011-25 Wetland H & I | X | - | - | - | - | - | - | X | - |

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**
**(a) General Wetland Characteristics:**
**Properties:**

| Wetland Name | Size (Acres) | Wetland Type | Wetland Quality | Cross or Serve as State Boundaries. Explain |
|---|---|---|---|---|
| LRC-2011-25 Wetland AH | 10 | - | - | - |
| LRC-2011-25 Wetland C | .41 | PEM | moderate | - |
| LRC-2011-25 Wetland D | 7.8 | PEM | ADID L308 for functional value, low FQI | - |
| LRC-2011-25 Wetland F | 8.8 | PEM | ADID L157 for habitat, moderate FQI | - |
| LRC-2011-25 Wetland G | 10.1 | PEM | Associated with Woods Creek, ADID wetland L157 for habitat, moderate FQI | - |
| LRC-2011-25 Wetland K | .7 | PEM | part of ADID L157 for high functional value, but low FQI | - |
| LRC-2011-25 Wetland M | .46 | PEM. Several wetland swales listed as wetland M and grouped as one wetland | part of ADID L129, but FQI is low. THIS AREA IS PART OF MITIGATION FOR RAKOW ROAD | - |
| LRC-2011-25 Wetland N | .9 | PEM | part of ADID L129, but low FQI | - |
| LRC-2011-25 Wetland O | 1.16 | PEM | ADID L129, low FQI | - |

**(b) General Flow Relationship with Non-TNW:**
**Flow is:**

| Wetland Name | Flow | Explain |
|---|---|---|
| LRC-2011-25 Wetland C | Perennial flow. | - |
| LRC-2011-25 Wetland D | Perennial flow. | - |
| LRC-2011-25 Wetland F | Perennial flow. | - |
| LRC-2011-25 Wetland G | Perennial flow. | - |
| LRC-2011-25 Wetland K | Perennial flow. | - |
| LRC-2011-25 Wetland M | Intermittent flow. | - |
| LRC-2011-25 Wetland N | Intermittent flow. | - |
| LRC-2011-25 Wetland O | Intermittent flow. | - |

**Surface flow is:**

| Wetland Name | Flow | Characteristics |
|---|---|---|
| LRC-2011-25 Wetland AH | - | - |
| LRC-2011-25 Wetland C | Discrete | - |
| LRC-2011-25 Wetland D | Discrete | headwaters for Ratt Creek |
| LRC-2011-25 Wetland F | Discrete | Associated with Woods Creek |
| LRC-2011-25 Wetland G | Discrete | Associated with Woods Creek |
| LRC-2011-25 Wetland K | Discrete | from wetland to tributary to Woods Creek |
| LRC-2011-25 Wetland M | Confined | wetland swales leading to Crystal Creek |
| LRC-2011-25 Wetland N | Discrete | flows seasonally likely |
| LRC-2011-25 Wetland O | Discrete | wetland to Crystal Creek |

**Subsurface flow:**

| Wetland Name | Subsurface Flow | Explain Findings | Dye (or other) Test |
|---|---|---|---|
| LRC-2011-25 Wetland AH | - | - | - |
| LRC-2011-25 Wetland C | Unknown | - | - |
| LRC-2011-25 Wetland D | Unknown | - | - |
| LRC-2011-25 Wetland F | Unknown | - | - |
| LRC-2011-25 Wetland G | Unknown | - | - |
| LRC-2011-25 Wetland K | Unknown | - | - |
| LRC-2011-25 Wetland M | Unknown | - | - |
| LRC-2011-25 Wetland N | Unknown | - | - |
| LRC-2011-25 Wetland O | - | - | - |

**(c) Wetland Adjacency Determination with Non-TNW:**

| Wetland Name | Directly Abutting | Discrete Wetland Hydrologic Connection | Ecological Connection | Separated by Berm/Barrier |
|---|---|---|---|---|
| LRC-2011-25 Wetland AH | No | - | - | - |
| LRC-2011-25 Wetland C | Yes | - | - | - |
| LRC-2011-25 Wetland D | Yes | - | - | - |
| LRC-2011-25 Wetland F | Yes | - | - | - |
| LRC-2011-25 Wetland G | Yes | - | - | - |
| LRC-2011-25 Wetland K | Yes | - | - | - |
| LRC-2011-25 Wetland M | Yes | - | - | - |
| LRC-2011-25 Wetland N | Yes | - | - | - |
| LRC-2011-25 Wetland O | Yes | - | - | - |

**(d) Proximity (Relationship) to TNW:**

| Wetland Name | River Miles From TNW | Aerial Miles From TNW | Flow Direction | Within Floodplain |
|---|---|---|---|---|
| LRC-2011-25 Wetland AH | - | - | - | - |
| LRC-2011-25 Wetland C | 2-5 | 1-2 | Wetland to navigable waters | - |

| | | | | |
|---|---|---|---|---|
| LRC-2011-25 Wetland D | 2-5 | 1-2 | Wetland to navigable waters | - |
| LRC-2011-25 Wetland F | 2-5 | 2-5 | Wetland to navigable waters | - |
| LRC-2011-25 Wetland G | 2-5 | 2-5 | Wetland to navigable waters | - |
| LRC-2011-25 Wetland K | 2-5 | 2-5 | Wetland to navigable waters | - |
| LRC-2011-25 Wetland M | 2-5 | 2-5 | Wetland to navigable waters | - |
| LRC-2011-25 Wetland N | 2-5 | 2-5 | Wetland to navigable waters | - |
| LRC-2011-25 Wetland O | 2-5 | 2-5 | Wetland to/from navigable waters | - |

**(ii) Chemical Characteristics:**
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).**

| Wetland Name | Explain | Identify specific pollutants, if known |
|---|---|---|
| LRC-2011-25 Wetland AH | - | - |
| LRC-2011-25 Wetland C | - | - |
| LRC-2011-25 Wetland D | - | - |
| LRC-2011-25 Wetland F | - | - |
| LRC-2011-25 Wetland G | - | - |
| LRC-2011-25 Wetland K | - | - |
| LRC-2011-25 Wetland M | - | - |
| LRC-2011-25 Wetland N | - | - |
| LRC-2011-25 Wetland O | - | - |

**(iii) Biological Characteristics. Wetland supports:**

| Wetland Name | Riparian Buffer | Characteristics | Vegetation | Explain |
|---|---|---|---|---|
| LRC-2011-25 Wetland AH | - | - | - | - |
| LRC-2011-25 Wetland C | - | - | X | - |
| LRC-2011-25 Wetland D | X | - | - | - |
| LRC-2011-25 Wetland F | X | - | - | - |
| LRC-2011-25 Wetland G | X | - | - | - |
| LRC-2011-25 Wetland K | - | - | - | - |
| LRC-2011-25 Wetland M | X | - | X | THIS AREA IS PART OF MITIGATION FOR RAKOW ROAD |
| LRC-2011-25 Wetland N | X | - | - | - |
| LRC-2011-25 Wetland O | X | - | - | - |

**Habitat for:**

| Wetland Name | Habitat | Federally Listed Species | Explain Findings | Spawn Area | Explain Findings | Other Environmentally Sensitive Species | Explain Findings | Aquatic\Wildlife Diversity | Explain Findings |
|---|---|---|---|---|---|---|---|---|---|
| LRC-2011-25 Wetland AH | - | - | - | - | - | - | - | - | - |
| LRC-2011-25 Wetland C | - | - | - | - | - | - | - | - | - |
| LRC-2011-25 Wetland D | X | - | - | - | - | - | - | X | - |
| LRC-2011-25 Wetland F | X | - | - | - | - | - | - | X | - |
| LRC-2011-25 Wetland G | X | - | - | - | - | - | - | X | - |
| LRC-2011-25 Wetland K | X | - | - | - | - | - | - | X | - |
| LRC-2011-25 Wetland M | X | - | - | - | - | - | - | X | - |
| LRC-2011-25 Wetland N | X | - | - | - | - | - | - | X | - |
| LRC-2011-25 Wetland O | X | - | - | - | - | - | - | X | - |

**3. Characteristics of all wetlands adjacent to the tributary (if any):**

**All wetlands being considered in the cumulative analysis:**
Not Applicable.

**Summarize overall biological, chemical and physical functions being performed:**
Not Applicable.

## C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Significant Nexus: Not Applicable**

## D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

**1. TNWs and Adjacent Wetlands:**
Not Applicable.

**2. RPWs that flow directly or indirectly into TNWs:**

| Wetland Name | Flow | Explain |
|---|---|---|
| LRC-2011-25 Wetland H & I | PERENNIAL | RPW to Woods Creek, Solid blue line on USGS |

**Provide estimates for jurisdictional waters in the review area:**

| Wetland Name | Type | Size (Linear) (m) | Size (Area) (m²) |
|---|---|---|---|
| LRC-2011-25 Wetland H & I | Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs | - | 4856.2272 |
| **Total:** | | **0** | **4856.2272** |

**3. Non-RPWs that flow directly or indirectly into TNWs:[8]**
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**

Not Applicable.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

| Wetland Name | Flow | Explain |
|---|---|---|
| LRC-2011-25 Wetland C | PERENNIAL | Connected to Wetland D under Randall Road, associated with ADID L308, headwaters of Ratt Creek |
| LRC-2011-25 Wetland D | PERENNIAL | Connected to Wetland D under Randall Road, associated with ADID L308, headwaters of Ratt Creek |
| LRC-2011-25 Wetland F | PERENNIAL | Associated with Woods Creek corridor east of Randall Road |
| LRC-2011-25 Wetland G | PERENNIAL | Associated with Woods Creek, a RPW to Fox River |
| LRC-2011-25 Wetland K | PERENNIAL | - |
| LRC-2011-25 Wetland M | PERENNIAL | water flows from wetlands to Crystal Creek due to slope |
| LRC-2011-25 Wetland N | SEASONAL | from wetland to Crystal Creek, limited upstream hydrology, so probably more seasonal |
| LRC-2011-25 Wetland O | SEASONAL | from wetland to Crystal Creek. Upstream hydrology limited, likely seasonal |

**Provide acreage estimates for jurisdictional wetlands in the review area:**

| Wetland Name | Type | Size (Linear) (m) | Size (Area) (m²) |
|---|---|---|---|
| LRC-2011-25 Wetland AH | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 40468.56 |
| LRC-2011-25 Wetland C | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 1659.21096 |
| LRC-2011-25 Wetland D | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 31565.4768 |
| LRC-2011-25 Wetland F | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 35612.3328 |
| LRC-2011-25 Wetland G | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 40873.2456 |
| LRC-2011-25 Wetland K | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 2832.7992 |
| LRC-2011-25 Wetland M | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 1861.55376 |
| LRC-2011-25 Wetland N | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 3642.1704 |
| LRC-2011-25 Wetland O | Wetlands directly abutting RPWs that flow directly or indirectly into TNWs | - | 4694.35296 |
| **Total:** | | **0** | **163209.70248** |

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**
Not Applicable.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide estimates for jurisdictional wetlands in the review area:**
Not Applicable.

**7. Impoundments of jurisdictional waters:[9]**
Not Applicable.

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS:[10]**
Not Applicable.

**Identify water body and summarize rationale supporting determination:**
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**
Not Applicable.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS**

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements:

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce:

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based soley on the "Migratory Bird Rule" (MBR):

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain):

Other (Explain):

**Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:**
Not Applicable.

**Provide acreage estimates for non-jurisdictional waters in the review area, that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.**
Not Applicable.

## SECTION IV: DATA SOURCES.

**A. SUPPORTING DATA. Data reviewed for JD**
(listed items shall be included in case file and, where checked and requested, appropriately reference below:

| Data Reviewed | Source Label | Source Description |
|---|---|---|
| --Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant | - | - |
| --Data sheets prepared/submitted by or on behalf of the applicant/consultant | - | - |
| ----Office does not concur with data sheets/delineation report | - | - |
| --State/Local wetland inventory map(s): | ADID | - |
| --Previous determination(s). | LRC-2009-404 | H, I and K |
| --Other information | Algorquin stormsewer map | - |

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**
Not Applicable.

[1]-Boxes checked below shall be supported by completing the appropriate sections in Section III below.

[2]-For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

[3]-Supporting documentation is presented in Section III.F.

[4]-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the and West.

[5]-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

[6]-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

[7]-Ibid.

[8]-See Footnote #3.

[9]-To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10]-Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

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

## SECTION I: BACKGROUND INFORMATION

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 28-Jun-2012

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Chicago District, LRC-2012-00276-JD1

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

| | |
|---|---|
| **State :** | IL - Illinois |
| **County/parish/borough:** | DuPage |
| **City:** | |
| **Lat:** | 41.85235 |
| **Long:** | -88.05326 |
| **Universal Transverse Mercator** | Folder UTM List<br>*UTM list determined by folder location*<br>● NAD83 / UTM zone 16N<br>Waters UTM List<br>*UTM list determined by waters location*<br>● NAD83 / UTM zone 16N |

**Name of nearest waterbody:**
**Name of nearest Traditional Navigable Water (TNW):**
**Name of watershed or Hydrologic Unit Code (HUC):**

☐ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc¿) are associated with the action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION:**

☑ Office Determination Date: 28-Jun-2012

☑ Field Determination Date(s): ☐ 25-Jun-2012

## SECTION II: SUMMARY OF FINDINGS

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION**

**There** "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 subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**Explain:**

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There "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:**[1]

| Water Name | Water Type(s) Present |
|---|---|
| LRC-2012-276 Wetland 1 | Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs |

**b. Identify (estimate) size of waters of the U.S. in the review area:**

**Area:** ($m^2$)
**Linear:** (m)

**c. Limits (boundaries) of jurisdiction:**

**based on:**
**OHWM Elevation:** (if known)

**2. Non-regulated waters/wetlands:[3]**

**Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:**

## SECTION III: CWA ANALYSIS

### A. TNWs AND WETLANDS ADJACENT TO TNWs

**1.TNW**
Not Applicable.

**2. Wetland Adjacent to TNW**
Not Applicable.

### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**
**Watershed size:**
**Drainage area:**
**Average annual rainfall:** inches
**Average annual snowfall:** inches

**(ii) Physical Characteristics**
**(a) Relationship with TNW:**

☐ Tributary flows directly into TNW.
☐ Tributary flows through [ ] tributaries before entering TNW.
:Number of tributaries

**Project waters are** river miles from TNW.
**Project waters are** river miles from RPW.
**Project Waters are** aerial (straight) miles from TNW.
**Project waters are** aerial(straight) miles from RPW.

☐ Project waters cross or serve as state boundaries.
**Explain:**
**Identify flow route to TNW:[5]**

**Tributary Stream Order, if known:**
Not Applicable.

**(b) General Tributary Characteristics:**

**Tributary is:**
Not Applicable.

**Tributary properties with respect to top of bank (estimate):**
Not Applicable.

**Primary tributary substrate composition:**
Not Applicable.

**Tributary (conditions, stability, presence, geometry, gradient):**
Not Applicable.

**(c) Flow:**
Not Applicable.

**Surface Flow is:**
Not Applicable.

**Subsurface Flow:**
Not Applicable.

**Tributary has:**
Not Applicable.

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:**

**High Tide Line indicated by:**
Not Applicable.

**Mean High Water Mark indicated by:**
Not Applicable.

**(iii) Chemical Characteristics:**
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality;general watershed characteristics, etc.).**
Not Applicable.

**(iv) Biological Characteristics. Channel supports:**
Not Applicable.

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**
**(a) General Wetland Characteristics:**
**Properties:**
Not Applicable.

**(b) General Flow Relationship with Non-TNW:**

**Flow is:**
Not Applicable.

**Surface flow is:**
Not Applicable.

**Subsurface flow:**
Not Applicable.

**(c) Wetland Adjacency Determination with Non-TNW:**
Not Applicable.

**(d) Proximity (Relationship) to TNW:**
Not Applicable.

**(ii) Chemical Characteristics:**
**Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).**
Not Applicable.

**(iii) Biological Characteristics. Wetland supports:**
Not Applicable.

**3. Characteristics of all wetlands adjacent to the tributary (if any):**

**All wetlands being considered in the cumulative analysis:**

| Wetland Name | Directly Abuts | Size (Area) ($m^2$) |
|---|---|---|
| LRC-2012-276 Wetland 1 | No | 3358.89048 |
| **Total:** | | **3358.89048** |

**Summarize overall biological, chemical and physical functions being performed:**

| Wetland Name | Functional Summary |
|---|---|
| LRC-2012-276 Wetland 1 | This is a scrub-shrub community wetland with low-moderate quality vegetation within it. The wetland is hydrologically connected to the East Branch DuPage River through a stormsewer pipe and open bank tributary flowing to the East Branch |

## C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Significant Nexus: Not Applicable**

## D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

**1. TNWs and Adjacent Wetlands:**
Not Applicable.

**2. RPWs that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**
Not Applicable.

**3. Non-RPWs that flow directly or indirectly into TNWs:**[8]
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**

Not Applicable.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**
Not Applicable.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide acreage estimates for jurisdictional wetlands in the review area:**

| Wetland Name | Type | Size (Linear) (m) | Size (Area) (m²) |
|---|---|---|---|
| LRC-2012-276 Wetland 1 | Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs | - | 3358.89048 |
| **Total:** | | **0** | **3358.89048** |

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:**
Not Applicable.

**Provide estimates for jurisdictional wetlands in the review area:**
Not Applicable.

**7. Impoundments of jurisdictional waters:**[9]

Not Applicable.

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS:[10]**
Not Applicable.

**Identify water body and summarize rationale supporting determination:**
Not Applicable.

**Provide estimates for jurisdictional waters in the review area:**
Not Applicable.

**F. NON-JURISDICTIONAL WATERS. INCLUDING WETLANDS**

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements:

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce:

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based soley on the "Migratory Bird Rule" (MBR):

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain):

☐ Other (Explain):

**Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:**
Not Applicable.

**Provide acreage estimates for non-jurisdictional waters in the review area, that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.**
Not Applicable.

## SECTION IV: DATA SOURCES.

**A. SUPPORTING DATA. Data reviewed for JD**
(listed items shall be included in case file and, where checked and requested, appropriately reference below):

| Data Reviewed | Source Label | Source Description |
|---|---|---|
| --Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant | - | - |
| --Data sheets prepared/submitted by or on behalf of the applicant/consultant | - | - |
| --U.S. Geological Survey map(s). | - | - |
| --USDA Natural Resources Conservation Service Soil Survey. | - | - |
| --National wetlands inventory map(s). | - | - |
| --State/Local wetland inventory map(s): | - | - |
| --FEMA/FIRM maps | - | - |
| --Photographs | - | - |
| ----Other | - | - |
| --Other information | 25-Jun-2012 visit | - |

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**
Not Applicable.

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[1]-Boxes checked below shall be supported by completing the appropriate sections in Section III below.

[2]-For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

[3]-Supporting documentation is presented in Section III.F.

[4]-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

[5]-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

[6]-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

[7]-Ibid.

[8]-See Footnote #3.

[9] -To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10]-Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.