	U.S. Army Corps of Engineers
D Status: DRAFT	
SECTION I: BACKGROUND INFO	DRMATION
	R APPROVED JURISDICTIONAL DETERMINATION (JD): 09-0-a-2009
B. DISTRICT OFFICE, FILE NAME, AN	ID NUMBER: Chicago District, LRC-2009-00558-JD1
C. PROJECT LOCATION AND BACKO	
State :	IL - Illinois
County/parish/borough: City:	WIII
Lat:	41.66434
Long:	-88.18595
Universal Transverse Mercator	Folder UTM List UTM list determined by folder location
	NAD83 / UTM zone 37S Waters UTM List
	UTM list determined by waters location NAD83 / UTM zone 37S
Name of nearestwaterbody: Name of nearestTraditional Navigab Name of watershed or Hydrologic Ur	
Check if map/diagram of review a	rea and/or potential jurisdictional areas is/are available upon request.
Check if other sites (e.g., offsite m	nitigation sites, disposal sites, etc.) are associated with the action and are recorded on a different JD form.
D. REVIEW PERFORMED FOR SITE E	:VALUATION:
Office Determination Date: 18-1	Nov-2009
Field Determination Date(s):	13-Nov-2009
SECTION II: SUMMARY OF FINE	DINGS
A. RHA SECTION 10 DETERMINATIO	N 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 ebi	b and flow of the tide.
Waters are presently use	ed, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:	
B. CWA SECTION 404 DETERMINATI There [] 'waters of the U.S." within C	ION OF JURISDICTION. Ilean 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. i	
Water Name	Water Type(s) Present
	ting RPWs that flow directly or indirectly into TNWs Waters (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:	
based on: []	
OHWM Elevation: (if known)	
2. Non-regulated waters/wetlands; ³	
Potentially jurisdictional waters and/o	or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:
SECTION III: CWA ANALYSIS	
A. TNWs AND WETLANDS ADJACE!	IT TO TNWs
1.TNW Not Applicable.	
2, Wetland Adjacent to TNW Not Applicable.	
B. CHARACTERISTICS OF TRIBUTAR	Y (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):
1. Characteristics of non-TNWs that fl	ow directly or indirectly into TNW
(i) General Area Conditions:	
Watershed size: [] Drainage area: []	
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 [] aerial (straight) miles from TNW. Project Waters are [] aerial (straight) miles from RPW.
Project weters cross or serve as state boundaries
Explain: Identify flow route to TNW: ⁵
Tributary Stream Order, if known: Order Tributary Name 1 Wolf Creek
(b) General Tributary Characteristics:
Tributary is: Tributary Name Natural Artificial Explain Manipulated Explain Wolf Creek - X Historically excavated and straightened for farming.
Tributary properties with respect to top of bank (estimate): Tributary Name Width (ft) Depth (ft) Side Slopes Wolf Creek 20 3 4:1 (or greater)
Primary tributary substrate composition: Tributary Name Silt Sands Concrete Cobble Gravel Muck Bedrock Vegetation Other Wolf Creek X X X X
Tributary (conditions, stability, presence, geometry, gradient): Tributary Name Condition\Stability Run\Riffle\Pool Complexes Geometry Gradient (%) Wolf Creek Tributary is stable given vegetative buffer. Absent Relatively streight 1
(c) Flow: Tributary Name Provides for Events Per Year Flow Regime Duration & Volume Wolf Creek Perennial flow 20 (or greater) Creek flows year round.
Surface Flow is: Tributary Name Surface Flow Characteristics Wolf Creek Discrete end confined Flow is mostly contained in steep sided channel in farm field.
Subsurface Flow: Tributary Name Subsurface Flow Explain Findings Dye (or other) Test Wolf Creek Unknown
Tributary has:
Tributary Name Bed & Banks OHWM Discontinuous OHWM7 Explain
Wolf Creek X X
Tributaries with OHWM ⁶ - (as indicated above)
Tributary Name OHWM Clear Litter Changes in Soil Vegetation Well Creek X X X - X Sediment Changes In Soil Vegetation Shelving Wrack Line Matted\Absent Vegetation Sorting Sorting Leaf Litter Scour Sediment Deposition Flow Events Stail Stail Changes In Soil Vegetation Shelving Wrack Line Wated\Absent Vegetation Sorting Sorting Leaf Litter Scour Deposition Flow Events Stail Changes In Soil Vegetation Shelving Wrack Line Wated\Absent Vegetation Sorting Sorting Leaf Litter Scour Deposition Flow Events Stail Changes In Soil Vegetation Shelving Wrack Line
If factors other than the OHWM were used to determine lateral extent of CWAjurisdiction:
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 Wolf Creek Tributary is slightly discolored. Sediment, road salt, farm pesticide and fertilizer.

(iv) Biological Char	acteristics. Channel su	pports:		
Tributary Name Wolf Creek	Riparian Corridor X	Characteristics 50' overall vegetative corridor.	Wetland Fringe	Characteristics Habitat
. Tron Grook		or order regulation contain.		10 144 C 14 14 E 14 14 E 14 14 E 14 14 E 14 14 14 14 14 14 14 14 14 14 14 14 14
2. Characteristics o	f wetlands adjacent to r	non-TNW that flow directly or in	directly into TNW	
(i) Physical Charact				
(a) General Wetland Properties:	d Characteristics:			
Wetland Name Wetland 1	Size (Acres) 4.71 Mix of	Wetland Type emergent and some scrub trees.	Wetland Quality Low	Cross or Serve as State Boundaries, Explain
		omorganica donici sorda dices.		
(b) General Flow Re	elationship with Non-TN	W:		
Flow is: Wetland Name	Flow Expla	ain !		
Wetland 1	Perennial flow	···· :		
Surface flow is: Wetland Name	Flow	Characteristi		
Wetland 1		Creek is confined by banks with		
Subsurface flow:				
Wetland Name Wetland 1	Subsurface Flow E	xplain Findings Dye (or oth	ner) Test	
(c) Wetland Adjace	ncy Determination with	Non-TNW:		
Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection Eco	logical Connection	Separated by Berm/Barrier
Wetland 1	Yes -			
(d) Proximity (Relat		Milan		
Wetland Name	River Miles Aerial From TNW From		Within Flood	plain
Wetland 1	10-15 10-15	Wetland to navigable wa	ters 50 - 100-year	
(ii) Chemical Chara Characterize tribute		clear, discolored, oily film; wate	er quality; general wa	atershed characterstics, etc.).
Wetland Name	Explain Identif	y specific pollutants, if knows	1	, ,
Wetland 1	- Sediment; 1	arm pesticides and fertilizers; road	ı sait.	
(iii) Biological Char	acteristics. Wetland su	pporte:		
Wetland Name	Riparian Buffer	Character	ristics	Vegetation Explain
Wetland 1	X 50	foot wide total corridor to DuPage	River, surrounded by	yfarm field
	of all wetlands adjacent			
Not Applicable.	considered in the cumu	nauvo anaysis.		
	biological, chemical an	d physical functions being perf	ormed:	
Not Applicable.				
C. SIGNIFICAN	T NEXUS DETERMIN	IATION		
				ry itself and the functions performed by any wetlands adjacent to the tributary to determine if they sig significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more thar
insubstantial effe	ct on the chemical, phy	sical and/or biological integrity	of a TNW. Consider	ations when evaluating significant nexus include, but are not limited to the volume, duration, and frequall its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any spec
(e.g. between a tri	ibutary and its adjacent	wetland or between a tributary	and the TNW). Simil	larly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of si
Significant Nexu	s: Not Applicable			
D DETERMINA	TIONS OF HISTORIC	TIONAL PROPERCY THE CO		NAMES AND ADD
D. DETERMINA	HONS OF JURISDIC	CTIONAL FINDINGS, THE S	UBJECT WATERS	WETLANDS ARE:
1. TNWs and Adjac	ent Wetlands:			
Not Applicable.				
	directly or indirectly into			
Wetland Name Wolf Creek	Flow PERENNIAL Wolf Cr	l eek flows year round, and goes in	Explain to the DuPage River:	at the edge of the property
			e. _go / ((10) (• Action programs
Provide estimates (for juris dictional waters	in the review area:		
Wetland Name		Туре		Size (Linear) (m) Size (Area) (m¹)
Wolf Creek	Relatively Permanent V	Vaters (RPWs) that flow directly or	r indirectly into TNWs	109728 -

Tatab
Total:
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 Wetland 1 PERENNIAL Creek is direct tributary to the DuPage Riverand has year-round flow.
Provide acreage estimates for jurisdictional wetlands in the review area: Wetland Name Type Size (Linear) (m) Size (Area) (m²) Wetland 1 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs 1908059176 Total: 0 1906059176
5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs: Not Applicable.
Provide acreage estimates forjurisdictional 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 juris dictional 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, I WATERS: 10 Not Applicable.
Identify water body and summarize rationale supporting determination: Not Applicable.
Provide estimates for juris dictional 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 1997 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 fornon-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 irrigated agriculture), using best professional judgment: Not Applicable.
Provide acreage estimates fornon-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 (isted Rems shall be included in case file and, where checked and requested, appropriately reference below):
Data Reviewed -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 concurs with data sheets/delineation report -U.S. Geological Survey Hydrotogic Atlas USGS 8 and 12 digit HUC maps -U.S. Geological Survey map(s).
-USDA Natural Resources Conservation Service Soil SurveyNational wetlands inventory map(s)FEMA/FIRM mapsPhotographs
— Aerial - — Applicable/supporting case law - — Other information

B.	ADDITIONAL	COMMENTS	TO SUPPORT	JD:

Description

Site visit on 13 Nov 2009.

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).

Supporting documentation is presented in Section III.F.
 Note that the Instructional Guidebook contains additional information regarding sweles, ditches, washes, and erosional features generally and in the arid West.

⁵⁻Flow route can be described by identifying, e.g., tributery a, which flows through the review eree, to flow into tributery b, which then flows into TNW.

^{*-}Flow rouns can be described by identifying, e.g., imputery a winch moves through the review size, to sow into tributary b, which then nows into INV.

**An attural or man-made discontinuity in the OHYMM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHYMM has been removed by development or agricultural practices). Where there is a break 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.

**See Footnote #3

**See Footnote #3

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

¹⁰_Prior to esserting or deckning CWA junediction besed 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 Junedictic

JD Status: DRAFT SECTION I: BACKGROUND INFORMATION A, REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 09-Nov-2009 B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-00557-JD1 C. PROJECT LOCATION AND BACKGROUND INFORMATION: IL - Illinois State: County/parish/borough: WII City: 41.65348 Lat: Long: -88.19142 Universal Transverse Mercator NAD83 / UTM zone 37S Waters UTM List UTM list determined by waters location NAD83 / UTM zone 37S Name of nearestwaterbody: Name of nearestTraditional 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: 18-Nov-2009 Field Determination Date(s): 13-Nov-2009 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 Type(s) Present Water Name Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetland 1 East Normantown Drain Relatively Permanent Waters (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: 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 enlering 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 2 East Normantown Drain
(b) General Tributary Characteristics: Tributary is: Tributary Name Natural Artificial Explain Manipulated Explain East Normantown Drain - X Creek straightened through farm field.
Tributary properties with respect to top of bank (estimate): Tributary Name Width (ft) Depth (ft) Side Slopes East Normantown Drain 3 1 3:1
Primary tributary substrate composition: Tributary Name Silt Sands Concrete Cobble Gravel Muck Bedrock Vegetation Other East Normantown Drain X X - X X -
Tributary (conditions, stability, presence, geometry, gradient): Tributary Name Condition\Stability Run\Riffle\Pool Complexes Geometry Gradient (%) Subtle and small. Relatively straight 1
(c) Flow: Tributary Name Provides for Events Per Year Flow Regime Duration & Volume East Normantown Drain Perennial flow 20 (or greater) Tributary flows year round
Surface Flow is: Tributary Name Surface Flow Characteristics East Normantown Drain Discrete and confined All flows held within the tall steep banks off the farm field.
Subsurface Flow: Tributary Name Subsurface Flow Explain Findings Dye (or other) Test East Normantown Drain Unknown -
Tributary has: Tributary Name Bed & Banks OHWM OHWM? Explain East Normantown Drain X X X
Tributaries with OHWM ⁶ - (as Indicated above) Tributary Name OHWM Clear Litter Scour in Soll Vegetation in Soll Vegetation
East Normantown X X X - X
If factors other than the OHWM were used to determine lateral extent of CWAjurisdiction:
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

East Normantown Drain Tributary is relatively clear. Sediment, farm pesticides and fertilizers.
(iv) Biological Characteristics. Channel supports: Tributary Name Riparian Corridor Characteristics Wetland Fringe Characteristics Habitat East Normantown Drain X 50' wide total riparian corridor through farm field.
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 Wetland 1 77 PEMC Low, dominated by Phalans arundinaœa
(b) General Flow Relationship with Non-TNW: Flow is: Wetland Name Flow Explain Wetland 1 Perennial flow.
Surface flow is: Wetland Name Flow Characteristics Wetland 1 Discrete and confined Creek flows within steep banks below farm field.
Subsurface flow: Wetland Name Subsurface Flow Explain Findings Dye (or other) Test Wetland 1 Unknown -
(c) Wetland Adjacency Determination with Non-TNW: Wetland Name Directly Abutting Discrete Wetland Hydrologic Connection Separated by Berm/Barrier Wetland 1 Yes Ecological Connection
(d) Proximity (Relationship) to TNW: Wetland Name River Miles From TNW From TNW From TNW Wetland 1 2-5 2-5 Wetland to navigable waters 50 - 100-year
(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 Wetland 1 Sediment; farm pesticides and fertilizers.
(iii) Biological Characteristics. Wetland supports: Wetland Name Riparian Buffer Characteristics Vegetation Explain Wetland 1 X 50' ripanian corridor in the middle of a farm field.
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 sign 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 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 frequent 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 spectors.
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 East Normantown Drain PERENNIAL Creek is a blue-line stream on the USGS maps, and had strong flow at the time of visit.
Provide estimates for jurisdictional waters in the review area: Wetland Name Type Size (Linear) (m) Size (Area) (m²)

East Normantown Drain_ Relatively Permanent Waters (RPWs) that flow directly or indirectly into T	TNWs 457.2 - 457.2 0
3. Non-RPWs that flow directly or indirectly into TNWs. ⁴ Not Applicable.		
Provide estimates for jurisdictional waters in the review Not Applicable.	area:	
Wetlands directly abutting an RPW that flow directly Wetland Name Flow Explain Wetland 1 PERENNIAL Tributary flows year-re		
Provide acreage estimates forjurisdictional wetlands in Wetland Name Typ Wetland 1 Wetlands directly abutting RPWs that Total:	e Siz	28 (Linear) (m) Size (Area) (m²) 3116.07912 3116.07912
5. Wetlands adjacent to but not directly abutting an RPN Not Applicable.	V that flow directly or indirectly into TN	IWs:
Provide acreage estimates forjurisdictional wetlands in Not Applicable.	the review area:	
6, Wetlands adjacent to non-RPWs that flow directly or Not Applicable.	ndirectly into TNWs:	
Provide estimates for jurisdictional wetlands in the revi Not Applicable.	ew area:	
7. Impoundments of jurisdictional waters: ⁹ Not Applicable.		
E. ISOLATED [INTERSTATE OR INTRA-STATE] WATER WATERS: 10 Not Applicable.	3 INCLUDING ISOLATED WETLANDS, T	THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, I
Identify water body and summarize rationale supporting Not Applicable.	determination:	
Provide estimates for jurisdictional waters in the review Not Applicable.	area;	
F. NON-JURISDICTIONAL WATERS, INCLUDING WETLA		a in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements:
Review area included isolated waters with no substan	tial nexus to interstate (or foreign) commer	orce;
Prior to the Jan 2001 Supreme Court decision in "SW	ANCC," 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 jurisdi	iction (Explain):
Other (Explain):		
Provide acreage estimates fornon-jurisdictional waters irrigated agriculture), using best professional judgment Not Applicable.	In the review area, where the sole pote :	ential basis of jurisdiction is the MBR factors (le., presence of migratory birds, presence of endangered
Provide acreage estimates fornon-jurisdictional waters Not Applicable.	in the review area, that do not meet the	e "Significant Nexus" standard, where such a finding is required for jurisdiction.
SECTION IV: DATA SOURCES.		
A. SUPPORTING DATA. Data reviewed for JD (listed items shall be included in case file and, where checked and reviewed) Data Reviewed	quested, appropriately reference below):	1 Source Description
-Maps, plans, plots or plat submitted by or on behalf of	ne applicant consultant -	
-Data sheets prepared/submitted by or on behalf of the	applicant/consultant -	.1
Office concurs with data sheets/delineation report -U.S. Geological Survey Hydrologic Atlas		
USGS 8 and 12 digit HUC maps		•
-U.S. Geological Survey map(s).		•
 USDA Natural Resources Conservation Service Soil S National wetlands inventory map(s). 	Jivey	•
-FEMA/FIRM maps		
–Photographs		•
— Aerial Applicable/supporting case law	, .	
-Other information	:-	

B.	ADDITIONAL	COMMENTS	TO SUPPORT JD:

Description

Site visit on 13 Nov 2009 confirmed flow.

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.

A-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 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-look

⁸⁻See Footnote #3

^{9 -}To complate the enelysis refer to the key in Section III.D.6 of the Instructional Guidebook.

^{10.} Prior to asserting or declining CWA juriediction 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 Jurisdictic

JD Status: DRAFT

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 27-Oct-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-00597-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State : IL - Illinois
County/parish/borough: Lake

City:

Lat: 42.23897 Long: -88.16906

Universal Transverse Mercator Folder UTM List

UTM list determined by folder location

NAD83 / UTM zone 38S

Waters UTM List

UTM list determined by waters location

NAD83 / UTM zone 38S

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: 09-Nov-2009
Field Determination Date(s): 05-Nov-2009

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	
Wetland W1	Wetlands adjacent to TNWs	
Wetland W2	Wetlands adjacent to TNWs	j

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

Area:	(m²)
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

A. Wolland Adjacent to TAW		
Wetland Name	Summarize rationale supporting conclusion that wetland is "adjacent":	
Wetland W1	Subject wetland abuts the TNW, and is an emergent wetland with standing water connecting to the TNW.	
Wetland W2	Subject wetland is connected via a culvert under River Road to wetland W1 which abuts the TNW, and is an emergent wetland with standing water connecting to the TNW. Both wetlands were contiguous prior to being bisected by River Road.	

- 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)
Wetland W1	Wetlands adjacent to TNWs	-	80937.12
Wetland W2	Wetlands adjacent to TNWs	-	80937.12
Total:		0	161874.24

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.

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 concurs with data sheets/delineation report	-	-
Corps navigable waters study	-	: -
U.S. Geological Survey Hydrologic Atlas	-	! -
USGS 8 and 12 digit HUC maps	-	-
U.S. Geological Survey map(s).	-	-
USDA Natural Resources Conservation Service Soil Survey.	-	
National wetlands inventory map(s).		-
State/Local wetland inventory map(s):	-	-
Photographs	-	_
Aerial	-	-
Applicable/supporting case law		
Other information	The state of the s	

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Description	
All maps and aerials show this is a wetland abutting the TNW.	j

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

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 Guidebcok.

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.

JD Status: DRAFT

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 05-Nov-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-00608-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State:

1L - Illinois

County/parish/borough:

Kane

City: Lat:

42.10105

Long:

-88.51317

Universal Transverse Mercator

Folder UTM List

UTM list determined by folder location

NAD83 / UTM zone 38S

Waters UTM List

UTM list determined by waters location

• NAD83 / UTM zone 38S

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:

06-Nov-2009

Field Determination Date(s):

05-Nov-2009

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
· * · · · · · · · · · · · · · · · · · ·	Part 11 11 11 11 11 11 11 11 11 11 11 11 11
ADID Wetland	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:
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:

		Cross or Serve as State Boundaries. Explain
ADID Wetland 1 POWC and PEMC	FQI of 12.6, Mean C of 3.4. Moderate.	N/A

(b) General Flow Relationship with Non-TNW:

Flow is:

Wetland Name	Flow	Explain
ADID Wetland	Perennial flow.	-

Surface flow is:

Juliace HOW IS.	y		
Wetland Name	Flow	Characteristics	
ADID Wetland	Overland sheetflow	Water flows across entire wetland before terminating at pipe under road, then flows down 100 yard channel and into creek.	

Subsurface flow:

Wetland Name	Subsurface Flow Explain Findings	Dye (or other) Test
ADID Wetland	Unknown -	· - :

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
ADID Wetland	Yes	-	-	-

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles As From TNW Fi	erial Miles rom TNW	Flow Direction	Within Floodplain
ADID Wetland	30 (or more) 30	(or more) Wetla	and to navigable waters	50 - 100-year

(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
ADID Wetland	- Unknown	

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buf	ffer Characte	eristics Veg	getation Expla	in
Secretaria de la como como consessione de la como consessione de la como como como como como como como com	entraligation recommended and recommended and the company of the contract of t	**************************************	and the second s		Annor conserva
ADID Wetland	-	-		-	

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:

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.

,	,	
Wetland Name	Flow	Explain
Wedaild Walle	, 104	LAPIGHT
ADID Wetland	PERENNIAL	Wetland flow was strong at the date of visit, and based on ditch it flows year-round.
ADID Welland		Trettand now was strong at the date of viola, and based on didn't now year realist.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Туре	Size (Linear) (m)	Size (Area) (m²)
ADID Wetland	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	4046.856
Total:		0	4046.856

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 referen	ce 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	i -	E _	
Office concurs with data sheets/delineation report		Fig. con tournesseements a t. With With Will Street Control of the	

U.S. Geological Survey Hydrologic Atlas	-		
USGS 8 and 12 digit HUC maps	-	-	
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	-		
Aerial	-	-	*************
Applicable/supporting case law	-	-	
Other information	-	-	······································

s. Additional Comments to Support Jd:	
Description	
Site visit on November 5, 2009 to walk and assess wetland area and flow regime.	
CONTROL OF COLUMN AND ADDRESS OF COLUMN AND	٠,,

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

 $^{^{3}\}text{-Supporting documentation is presented in Section III.F.}$

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-lbid.

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.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12-Nov-2008

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District. LRC-2009-00460-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

County/parish/borough:

McHenry Spring Grove 42.44327

Lat: Long:

City:

-88.24149

Universal Transverse Mercator

Folder UTM List
UTM 1st determined by folder location

NAD83 / UTM zone 38S

Waters UTM List
UTM list determined by waters location

NAD83 / UTM zone 38S

Name of nearest waterbody:

Name of nearest Traditional Navigable Water (TNW): Fox River Name of watershed or Hydrologic Unit Code (HUC): Nippersink

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-Nov-2009

Field Determination Date(s):

08-Oct-2009 29-Oct-2009

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION

There [] "navigable waters of the U.S." within Rivers and Harbors Ad (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.

s. Indicate presence of waters of U.S. in review area:1

Water Name Water Type(s) Present LRC-2009-460 Pond 1 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs LRC-2009-460 Pond 2 $^{'}$ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs LRC-2009-460 Pond 3 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs LRC-2009-460 Pond 4 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs LRC-2009-460 Pond 5 Wetlands directly abulting 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:

based on: 1987 Delineation Manual

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 ADJACENTTO 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. Project waters are [] river miles from TNW. Project waters are [| river miles from RPW. Project Waters are [] serial (straight) miles from TNW. Project waters are [] aerial(straight) miles from RPW. Project waters cross or serve as state boundaries Explain: Identify flow routs 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: Tributary (conditions, stability, presence, geometry, gradient): Not Applicable. Surface Flow is: Not Applicable. Subsurface Flow 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 Cheracteristics, 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: Wetland Name Size (Acres) Wetland Type **Wetland Quality** Cross or Serve as State Boundaries, Explain Despite the degraded condition of the wetland, the pond is part of a large complex of wetlands surrounding Nippersink Creek that are collectively listed as ADID wetland N87. ADID N87 is listed as a Habitat High Wetland and is considered a High Quality Aquatic Resource. High quality habitat sites are considered irreplaceable based on the fact that the complex biological systems and functions that these sites support cannot be successfully recreated within a reasonable time frame using existing restoration or creation methods. The direct water connection between the wetland and Nippersink Creek demonstrates the ability of the tributary to carry pollutants, flood weters, nutrients and organic carbon to the TNW. LRC-2009-460 Pond 1 PEM 21.2 Despite the degraded condition of the wetland, the pond is part of a large complex of wetlands surrounding Nippersink Creek that are collectively listed as ADID wetland N87. ADID N87 is listed as a Habitat High Wetland and is considered a High Quality Aquatic Resource. High quality habitat sites are considered irreplaceable based on the fact that the complex biological systems and functions that these sites support cannot be successfully recreated within a reasonable time frame using existing restoration or creation methods. The direct water connection between the wetland/pond complex and Nippersink Creek demonstrates the ability of the tributary to carry pollutants, flood waters, nutrients and organic carbon to the TNW. LRC-2009-460 Pond 2 2.76 PEM

			Despite the degraded condition	of the wetland, the pond is part of a large co	impley of	
			wetlands surrounding Nippersink	Creek that are collectively listed as ADID v	wetland N87.	I
				ligh Wetland and is considered a High Qual les are considered irreplaceable based on t		
LRC-2009-460 Pond 3	1.51	PEM	complex biological systems and	functions that these sites support cannot be	successfully	į -
		. :	recreated within a reasonable tin	ne frame using existing restoration or creation ween the wetland/pond complex and Nippers	on methods. sink Creek	:
			demonstrates the ability of the tr	butary to carry pollutants, flood waters, nutr		
	.:	: :	organic carbon to the TNW.	of the wetland, the pond is part of a large co	moley of	h
			wetlands surrounding Nippersink	Creek that are collectively listed as ADID v	wetland N87.	
				ligh Wetland and is considered a High Qua tes are considered irreplaceable based on t		:
LRC-2009-460 Pond 4	1.35	PEM	complex biological systems and	functions that these sites support cannot be	successfully	:-
Folia 4				ne frame using existing restoration or creation ween the wetland/pond complex and Nipper		:
			demonstrates the ability of the tr	butary to carry pollutants, flood waters, nutr		
			organic carbon to the TNW.			
			wetlands surrounding Nippersink	of the wetland, the pond is part of a large co c Creek that are collectively listed as ADID v	wetland N87.	
				high Wetland and is considered a High Qua tes are considered irreplaceable besed on t		
LRC-2009-460 Pond 5	3.05	PEM .	complex biological systems and	functions that these sites support cannot be	successfully	_
- ond 5				ne frame using existing restoration or creati- veen the watland/pond complex and Nipper		
			demonstrates the ability of the tr	ibutary to carry pollutants, flood waters, nutr		1
			organic carbon to the TNW.			
) General Flow Rei	ationship with	Non-TNW:				
low is: Wetland Name	Flow	Explain				
LRC-2009-460 Pon						
LRC-2009-460 Por						
LRC-2009-460 Pon						
LRC-2009-460 Pon						
LRC-2009-460 Pon	5 Perennial	flow				
urface flow is:						
Wetland Name	Flow			Characteristics		
RC-2009-460 Pon	d Confined	A weter control st	ructure is located in the southeas	ern portion of the wetland that discharges v	vater to Nippersin	ık Creek.
l _RC-2009-460 Pon						ion of the wetland that discharges water to Nippersi
2	Confined	Creek.	rustare contribute portue i una z. :	one in the district control of decide in the	outrousion port	
LRC-2009-460 Pon	d Discrete		ructure connects ponds 1 and 3.	ond 1 has a water control structure in the s	outheastern porti	ion of the wetland that discharges water to Nippersi
3 LRC-2009-460 Pon	. ,	Creek.	nucture connects pends 1 and 4	200d 1 has a water control structure in the c	outherstern nod	ion of the wetland that discharges water to Nippersi
4	Confined	Creek.	ructure connects points i and 4.	Old Thas a water control structure in the		on of the would that discharges that is hippore
LRC-2009-460 Pon	d Confined	A water control st Creek.	ructure connects ponds 1 and 5.	ond 1 has a water control structure in the s	outheastern porti	ion of the wetland that discharges water to Nippersi
ubsurface flow:						
Wetland Name	Subsurfa	ace Flow Explai	in Findings Dye (or other)	est		
LRC-2009-460 Pon	d 1 Unknown	-	•			
LRC-2009-460 Pon			•			
LRC-2009-460 Pon						
LRC-2009-460 Pon		•				
LRC-2009-460 Pon	d 5 Unknown	- .		*		
c) Wetland Adjacen	cy Determinati					
Wetland Name	Directly		screte Wetland Ecologic	al Connection Separated by Berm/Barrier		
LRC-2009-460 Pon	d 1 No			×		
LRC-2009-460 Pon				x :		
LRC-2009-460 Pon	1			X		
LRC-2009-460 Pon	d 4 No			<u> </u>		
LRC-2009-460 Pon	d 5 No	· . .	•	X		
		V:				
I) Proximity (Relati	ionship) to TNV	4	Flow Direction	Within Floodplain		
	River Mi		TIVE DISCUSSION	,		
Wetland Name	River Mi From Th	W From TNW				
Wetland Name	River Mi From TN id 1 2-5	W From TNW 2-5	Wetland to navigable waters			
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon	River Mi From TN id 1 2-5 id 2 2-5	2-5 2-5	Wetland to navigable waters Wetland to navigable waters			
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon	River Mi From TN id 1 2-5 id 2 2-5 id 3 2-5	2-5 2-5 2-5 2-5	Wetland to navigable waters Wetland to navigable waters Wetland to navigable waters	: :		
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon	River Mi From TN ad 1 2-5 ad 2 2-5 ad 3 2-5 ad 4 2-5	2-5 2-5	Wetland to navigable waters Wetland to navigable waters	: :		
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon	River Mi From TN ad 1 2-5 ad 2 2-5 ad 3 2-5 ad 4 2-5	2-5 2-5 2-5 2-5 2-5	Wetland to navigable waters Wetland to navigable waters Wetland to navigable waters Wetland to navigable waters	· · · · · · · · · · · · · · · · · · ·		
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon	River Mi From TN dd 1 2-5 dd 2 2-5 dd 3 2-5 dd 4 2-5 dd 5 2-5	2-5 2-5 2-5 2-5 2-5	Wetland to navigable waters Wetland to navigable waters Wetland to navigable waters Wetland to navigable waters	·		
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon	River Mi From TN dd 1 2-5 dd 2 2-5 dd 3 2-5 dd 4 2-5 dd 5 2-5	2-5 2-5 2-5 2-5 2-5 2-5 2-5	Wetland to navigable waters	·. · · · · · · · · · · · · · · · · · ·		
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon ii) Chemical Charac	River Mi From TN dd 1 2-5 dd 2 2-5 dd 3 2-5 dd 4 2-5 dd 5 2-5 cteristics: iry (e.g., water	2-5 2-5 2-5 2-5 2-5 2-5 2-5 2-5	Wetland to navigable waters olored, oily film; water quality;	general watershed characteristics, etc.).		
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon	River Mi From Th dd 1 2-5 dd 2 2-5 dd 3 2-5 dd 4 2-5 dd 5 2-5 dd 5 2-5 cteristics: try (e.g., water e.g., water	2-5 2-5 2-5 2-5 2-5 2-5 2-5 2-5	Wetland to navigable waters	·. · · · · · · · · · · · · · · · · · ·		
Wetland Name LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon Wetland Name	River Mi From TN dd 1 2-5 dd 2 2-5 dd 3 2-5 dd 4 2-5 dd 5 2-5 cteristics: iny (e.g., water b Explain	2-5 2-5 2-5 2-5 2-5 2-5 2-5 2-5	Wetland to navigable waters olored, oily film; water quality;	·. · · · · · · · · · · · · · · · · · ·		
LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon LRC-2009-460 Pon (ii) Chemical Characterize tributa Wetland Name LRC-2009-460 Pon	River Mi From TN dd 1 2-5 dd 2 2-5 dd 3 2-5 dd 4 2-5 dd 5 2-5 cteristics: rry (e.g., water y (e.g., water Explain dd 1 -	2-5 2-5 2-5 2-5 2-5 2-5 2-5 2-5	Wetland to navigable waters	·. · · · · · · · · · · · · · · · · · ·		

LRC-2009-460 Pond 5 -

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
LRC-2009-460 Pond 1	X	-		
LRC-2009-460 Pond 2	X	-		-
LRC-2009-460 Pond 3	. X	-	-	
LRC-2009-460 Pond 4	X	-		
LRC-2009-460 Pond 5	×	-	· · ·	

Habitat for:

Wetlan	d Name	Habitat	Federally Listed Species	Explain Findings	Spawn Area	Explain Findings	Other Environmentally Sensitive Species	Explain Findings	Aquatic\Wildlife Diversity	Explain Findings
LRC-20 Pond 1	09-460	, ×	-	i .	· x	Wetlands were formerly fish hatchery ponds	-	· . -	x	•
LRC-20 Pond 2	09-460	×	-		X	Wetlands were formerly fish hatchery ponds	-	···	X	•
LRC-20 Pond 3	09-460	. x	-	•	x	Wetlands were formerly tish hatchery ponds	-	-	x	
LRC-20 Pond 4	09-460	: x	•	•	X	Wetlands were formerly fish hatchery ponds	•	•	x	-
LRC-20 Pond 5	09-460	. x	•		×	Wetlands were formerly fish hatchery ponds		-	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:

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:

TNWs and Adjacent Wetlanda: Not Applicable.

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

Provide astimates for jurisdictional waters in the review srea: Not Applicable.

3. Non-RPWs that flow directly or indirectly into TNWs.⁸ Not Applicable.

Provide estimates for jurisdictional waters in the review area:

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

Wetland Name	Flow	Explain
LRC-2009-460 Pond 1	PERENNIAL	Nippersink Creek is a solid blue line on the USGS topographic map
LRC-2009-460 Pond 2	PERENNIAL	Nippersink Creek is a solid blue line on the USGS topographic map
LRC-2009-460 Pond 3	PERENNIAL	Nippersink Creek is a solid blue line on the USGS topographic map
LRC-2009-460 Pond 4	PERENNIAL	Nippersink Creek is a solid blue line on the USGS topographic map
LRC-2009-460 Pond 5	PERENNIAL	Nippersink Creek is a solid blue line on the USGS topographic map

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Туре	Size (Linear) (m)	Size (Area) (m1)
LRC-2009-460 Pond 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	•	85793.3472
LRC-2009-460 Pond 2	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	•	11169.32256
LRC-2009-460 Pond 3	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	•	6110.75256
LRC-2009-460 Pond 4	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	5463.2556
LRC-2009-460 Pond 5	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	•	12342.9108

· Total:		120879.58872
Wetlands adjacent to but not directly abutting an RPW that flow directly or included Applicable.	directly into TNWs:	
Provide acreage estimates for jurisdictional wetlands in the review area: Not Applicable.		
 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 COMMERCE, INCLUDING ANY SUCH WATERS: 10 Not Applicable.) WETLANDS, THE USE, DEGRADA	ATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE
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 erea, these areas did not a	meet the criteria in the 1987 Corps of	f 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 w	ould have been regulated based sole	ev on the "Migratory Bird Rule" (MBR):
Waters do not meet the "Significant Nexus" standard, where such a finding is re	-	,
Other (Explain):		
Provide acreage estimates for non-jurisdictional waters in the review area, where endangered species, use of water for irrigated agriculture), using best professional Not Applicable. Provide acreage estimates for non-jurisdictional waters in the review area, that Not Applicable.	onal judgment:	
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.)	a helow):	
Data Reviewed	Source Label	Source Description
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	USGS Soil Survery Map	
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	Delineated Wetland Boundary Map	• • • • • • • • • • • • • • • • • • •
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	McHenry ADID Map	•
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	Hydrologic Atlas	-
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	USGS Topographic Map	
B. ADDITIONAL COMMENTS TO SUPPORT JD: Not Applicable.		
1-Boxee 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		seasona lly" (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, was	hes, and erceional features generally and in	the arid Weet.
5-Flow route can be described by identifying, e.g., tributary e, which flows through the review area, to f 6-A natural or men-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where	now into tributary b, which then flows into TNi	I or where the OHMAN has been removed by development or according a marine of VP.
break in the OHWM that is unrelated to the weterbody's flow regime (e.g., flow over a rock outcrop or t	hrough a culvert), the egencies will look for in	i, or minere one constructions near sectioned by development or agricultural practices). Where there is a indicators of flow above and below the break.
7-lbid.		
8-See Footnote #3.		
9To complete the energials refer to the key in Section IIII.D.8 of the Instructional Guidebook. 10-prior to asserting or declining CWA jurisdiction besed solely on this category, Corps Districts will eli- Jurisdiction Following Repance.	evete the action to Ccrps and EPA HQ for re-	eview consistent with the process described in the Corps/EPA Memorendum Regarding CWA Act

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 07-Oct-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2009-00404-JD2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

 State :
 IL - Illinois

 County/parish/borough:
 McHenry

 City:
 Crystal Lake

 Lat:
 42.19222

 Long:
 -88.33655

 Universal Transverse Mercator
 Folder UTM |

Folder UTM List
UTM list determined by folder location

NAD83 / UTM zone 38S

Waters UTM List

UTM list determined by waters location

• NAD83 / UTM zone 38S

Name of nearest waterbody: Tributary to Woods Creek

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: 07-Oct-2009

Field Determination Date(s): 11-Aug-2009

28-Aug-2009

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-2009-404 Wetland 1	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs
LRC-2009-404 Wetland 3	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:

based on:

1987 Delineation Manual.

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:

î	Order (Tributary Name	
	- LR	C-2009-404 Wetland	1

(b) General Tributary Characteristics:

Tributary is:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain	
LRC-2009-404 Wetland 1	_		-	×	The stream was been modified. It is evident in a 1946 aerial photo and had been manipulated by 1981. It was further re-aligned under a previous Corps permit and shifted to the west. On-line detention was also created.	

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

Tributary Name	Width (ft)	Depth (ft)	Side Slopes	
LRC-2009-404 Wetland 1	-	-	-	

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
LRC-2009-404 Wetland 1	Х	-	-	-	-	-	-	-	-

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

Tributary Name	Condition\Stability	Run\Riffle\Pool Complexes	Geometry	Gradient (%)
LRC-2009-404 Wetland 1	Portions of the creek have steep slopes. Some areas have gabion baskets for bank stabilization as well as grade control to step the creek down and prevent downcutting of the channel. With the stabilization practices in place, it appears to be relatively	-	Relatively straight	-

(c) Flow:

Tributary Name	Provides for Events Per Year	Flow Regime	Duration & Volume
LRC-2009-404 Wetland 1	Perennial flow -	Continuous flow all year	-

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
LRC-2009-404 Wetland 1	Confined	-

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or	other) Test
LRC-2009-404 Wetland 1	Unknown	-		-

Tributary has:

Tributary Name	Bed & Banks	онwм	Discontinuous OHWM ⁷	Explain
LRC-2009-404 Wetland 1	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-2009-404 Wetland 1 -

(iv) Biological Characteristics. Channel supports:

	Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
	LRC-2009-404		50-100 feet	Y	Some wetland frindge along basin and	_
1	Wetland 1	1	30-100 leet	^	some of the meandering portions	

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-2009-404		Emergent	FQI listed as 11.22 based on		
Wetland 3	.4	wetland	delineation report.		

(b) General Flow Relationship with Non-TNW:

Flow is:

Wetland Name	Flow	Explain
LRC-2009-404 Wetlan	d 3 Intermittent flow.	i -

Surface flow is:

Wetland Name	Flow	Characteristics
LRC-2009-404 Wetland 3	Confined	Flows primarally after rain events

Subsurface flow:

Wetland Name	Subsurface Flow	Explain F	indings Dye	or other) Test
LRC-2009-404 Wetland 3	Unknown	•		- 1

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
LRC-2009-404 Wetland 3	Yes	-	-	-

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
LRC-2009-404 Wetland 3	2-5	2-5	Wetland to navigable waters	

(ii) Chemical Characteristics:

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

Wetland Name	1	Explain	Identify	specific	pollutar	nts, if k	nown
gradient and the first of the anti-proposition and the κ	A 40 - 10 - 1	to an action to the second		article account of the second of the			WWW.0000 00000
LRC-2009-404 Wetland	3	-	j -				

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
LRC-2009-404		.		weltand vegetation provides a water quality benifit as water
Wetland 3	·	, -	^	drains from roadway towards the tributary to Woods Creek

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-2009-404 Wetland 1 This water includes a tributary to Woods Creek and an associated in-line detention basin const within the tributary. Water is present and flowing all year. Shown as a solid blue line on the 199 map	

Provide estimates for jurisdictional waters in the review area:

Wetland Name	Туре	Size (Linear) (m)	Size (Area) (m²)
LRC-2009-404 Wetland	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	-	6070.284
Total:	Manufer 1 to to find for Sun 1 to 1 t	0	6070.284

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-2009-404	PERENNIAL	Flow was observed during the August 11 site visit. Drainage swale wetland takes flow from roadside
Wetland 3	PENERIVIAL	ditch and some overland flow.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Туре	Size (Linear) (m)	Size (Area) (m²)
LRC-2009-404 Wetland 3	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	809.3712
Total:		0	809.3712

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	USGS Topographic Map	Shows solid blue line for tributary to Woods Creek.
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	Wetland Summary Table	-
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	Soil Map	Hydric Soils shown for wetlands 1 and 3
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	NWI Wetland Map	PEMA identifies weltands 1 and 3
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	Exhibit G	Delineated wetland boundaries on aerial photograph
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	MCHenry ADID Mapq	ADID L157 is identified as wetlands 1 and

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" (a.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 OHVM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHVM has been removed by development or agricultural practices). Where there is a break in the OHVM 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.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 09-Nov-2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2008-00560-JD2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

County/parish/borough:

McHenry

City: Lat:

Alden Township

Long:

42.472 -88.55002

Universal Transverse Mercator

Folder UTM List

UTM list determined by folder location

NAD83 / UTM zone 38S

Waters UTM List

UTM list determined by waters location

NAD83 / UTM zone 38S

Name of nearest waterbody:

Nippersink Creek

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:

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.

09-Nov-2009

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-2008-560 Area 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
LRC-2008-560 Wetland 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
LRC-2008-560 Wetland 2	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)

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Linear: (m)
c. Limits (boundaries) of jurisdiction:
 based on:
                   1987 Delineation Manual.
 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.
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(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.).

(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:

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain	
LRC-2008-560 Area 1	1.21	Farmed	Actively farmed, so low quality		
LRC-2008-560 Wetland 1	2.82	Emergent	Low	-	
LRC-2008-560 Wetland 2	54.69	Emergent	Moderatly low, but listed as high functioning on the ADID wetland map.	-	:

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

Wetland Name	Flow	Explain	
LRC-2008-560 Area 1	Intermittent flow.	•	
LRC-2008-560 Wetland 1	Intermittent flow.	-	
LRC-2008-560 Wetland 2	Intermittent flow	-	٠

Surface flow is:

Wetland Name	Flow	Characteristics
LRC-2008-560 Area 1	Discrete and confined	Site 1 drains to and directly abuts wetland 2. Wetland 2 abuts the tributary to Nippersink Creek
LRC-2008-560 Wetland 1	Discrete and confined	Water flows from wetland 1 to wetland 2
LRC-2008-560 Wetland 2	Discrete and confined	From wetland to tributary

Subsurface flow:

Wetland Name	Subs	surface Flow	Explain Findings	Dye	(or other) To	est

LRC-2008-560 Area 1 Unkn	own	
LRC-2008-560 Wetland 1 Unknown		-
LRC-2008-560 Wetland 2 Unknown		-

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier			
LRC-2008-560 Area 1	Yes	•	-	· · · · · · · · · · · · · · · · · · ·			
LRC-2008-560 Wetland 1	Yes	•	•	-			
LRC-2008-560 Wetland 2		•	•	•			

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
LRC-2008-560 Area 1	15-20	15-20	Wetland to navigable waters	. •
LRC-2008-560 Wetland 1	15-20	15-20	Wetland to navigable waters	-
LRC-2008-560 Wetland 2	15-20	15-20	Wetland to 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	:	ld€	ent	ify	sp	ec	ifi	C	00	llu	ıta	nt	s,	if I	n	OW	m	i
LRC-2008-560 Area 1	-		-																
LRC-2008-560 Wetland 1	-		-								-			1.44					i
LRC-2008-560 Wetland 2	•		-																1

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
LRC-2008-560 Area 1	-		· -	- -
LRC-2008-560 Wetland 1	-	-	-	: -
LRC-2008-560 Wetland 2	X	Large wetland complex providing a corridor of varying widths	X	Emergent, scrub shrub, and open water communities

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:

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.

Wetland Name	Flow	Explain	
LRC-2008-560 Area 1	SEASONAL	Positive drainage towards Wetland 2	3
LRC-2008-560 Wetland 1	SEASONAL	Drains along northern periphery of ag field into wetland 1	1
LRC-2008-560 Wetland 2	SEASONAL	Wetlands are directly abutting the tributary to Nippersink Creek. Nippersink Creek is tributary to the Fox River, a section 10 waterway	:

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Туре	Size (Linear) (m)	Size (Area) (m²)
LRC-2008-560 Area 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	4896.69576
LRC-2008-560 Wetland 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	11412.13392
LRC-2008-560 Wetland 2	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	· · · · · · · · · · · · · · · · · · ·	221322.55464
Total:		0	237631.38432

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	Overall Wetland Boundary	Surveyed wetland boundaries
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	NRCS Soil Survey	-
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	USGS Quad	-
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	McHenry ADID Wetland 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

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.

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7-lbid.

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.