GHA GEWALT HAMILTON ASSOCIATES, INC.
CONSULTING ENGINEERS

850 Forest Edge Drive, Vernon Hills, IL 60061
TEL 847.478.9700 ■ FAX 847.478.9701

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www.gha-engineers.com

MEMORANDUM

To: Elaine Ramesh, Roads & Bridges Chairman
Village of Barrington Hills

From: Daniel J. Strahan, P.E., CFM
Assistant Village Engineer

Date: March 23, 2011

Re: Cuba Road Bridge
Maintenance History and Anticipated Costs

As you know recent structural inspections of the Cuba Road Bridge have indicated a condition rate of "4- Minimum Adequacy to be Left in Place." Based on subsequent discussions with Wiss, Janney, Elstner (WJE), the Village's designated program manager for the bridge inspections, the expected life of the bridge structure is approximately ten years, at which time it is expected that the structure will need to be reconstructed. The following includes a summary of maintenance history to date, as well as a strategy recommendation and conceptual costs for the eventual replacement of the Cuba Road Bridge.

Maintenance History

The existing bridge deck and approach was constructed in 1974 through a joint project between the Lake County Highway Department (now Lake County Division of Transportation) and the Village of Barrington Hills. The IDOT permit for the project was titled "Replace Bridge Deck", so it is likely that the existing bridge abutment predates the existing bridge deck. The project was awarded to E.M. Melahn Construction Co. of Algonquin in the amount of $40,381.83, and project costs were shared equally between the Village and Lake County.

In 1995 the Village was working with Lake County DOT to make a joint application for federal funding (HBRRP funds) to replace the bridge, using both county and Village funds. Conceptual cost estimates were prepared for engineering, right-of-way acquisition, and construction costs for the proposed structure. The project ultimately was not completed, but a summary of the costs anticipated at that time is included below:

Engineering- Phase 1-	$18,000
Engineering- Phase 2-	$22,000
ROW Acquisition-	$20,000
Engineering- Phase 3-	$23,000
Construction-	$230,000
Total:	$313,000

In 2006 the Village completed a structural resurfacing intended to reduce the amount of seepage into the deck beams from the existing bridge surface. The repairs were designed by WJE and were intended to sustain the life of the structure and delay the need for a complete replacement. Upon removal of the existing surface the condition of the deck beams was worse than initially believed, and the project included additional work to add structural reinforcement to the deck beams. The total cost of repairs was

$83,278.05. Upon review of the repairs, IDOT added the requirement of an annual bridge deck survey to the existing required bi-annual inspection.

Bridge Replacement Approach

Based on the projected lifespan of ten years, it is anticipated that the Cuba Road Bridge will require replacement by the year 2020. Permitting requirements and construction costs have changed substantially since the initial construction and even since the contemplation of replacement in 1995. WJE has indicated a ballpark figure of $500,000-$750,000 to replace the structure, but further study would be needed to prepare a detailed estimate. Typically this is done through a phase one study, which would identify a proposed scope of work, required permits, preliminary design documents, and a more precise estimate of project costs. As the conceptual costs are significant, similar in size to the costs of the annual road program, it is recommended that consideration be given to funding a portion of the project costs each year, or pursuing other funding.

One potential avenue to address the costs of replacement of the structure would be to apply for Surface Transportation Program funding which is administered through the McHenry County Council of Mayors. The Council of Mayors reviews applications and prioritizes projects over a five-year program. Cuba Road is a STP eligible route as it is a designated Federal Aid Urban highway. The program requires the local agency to fund 100% of the phase one and phase two engineering costs and right-of-way acquisition, but only 20% of construction costs and phase three engineering. All engineering plans and reports would be required to meet federal and state standards.

cc: Robert Kosin, Village Administrator

Roads and Bridges Monthly Report March 2011

Private Road Homeowners' Road Maintenance Coordinator Summit: The meeting will be held on March 31st at the Barrington library. Final plans were made and the meeting was discussed with Doug Wambach.

New Drainage Feature Maintenance Program: Planning to begin a program this year for maintenance of Village-owned retention ponds/drainage features is underway. Survey work and engineering plans have been completed, and bid packages have been prepared for letting March 29th. Gewalt Hamilton will contact Algonquin Township to see if they would like to provide a quote for the work. Pond dredging will be included in the bid; and possibly also replacement of another few of the culverts which need attention elsewhere in the Village.

2011 Major Drainage Project: Planning for the project of drainage improvement on Church and Chapel roads continues. The permit approval process before McHenry County is underway. Survey work has been completed and the Duda Property management staff will be contacted to finalize and secure approval. It is anticipated that bid letting will be in June.

Capitol Reserve Fund Establishment for Bridge Replacement: The ordinance establishing the fund will be before the Board this month for a vote. A more accurate picture of the projected cost could be obtained with a Phase I study, so Gewalt Hamilton will pursue this project with the McHenry County Transportation Council to seek possible funding for the study.

2011 Resurfacing Program: Bid letting for the program including Aberdeen Drive, Barrington Hills Rd, Butternut Road, Crabapple Road, Leeds Drive, Buckley Road, and patching on Haegers' Bend will be on April 6th. The tree in the island at the head of Leeds will be evaluated before finalizing a plan to improve traffic flow at the intersection with Crabapple.

County Line Road Cross-walk: The Village Engineer informed the Village of Barrington of our plans. The Village of Barrington is not making a sidewalk extension to the high school, but has proposed to D220 that a sidewalk should be added in the past. Gewalt Hamilton will contact IDOT to get the improvement for pedestrian and equestrian crossing scheduled.

Barrington Countryside School Speed Limit Zone Eradication: State statutes apparently contradict IDOT's position on the necessity for removal of the speed zone at the elementary school. IDOT's policy does not seem to match up to the state law. The question of whether or not to pursue this matter legally will be discussed. A possibility might be to provide this information to the other town that cited Barrington Hills as an example in their fight to avoid their own school speed zone removal.

February Snowstorm Disaster Declaration: A disaster declaration has been declared by the governor for the February 2 snowstorm, which in certain cases allows for receipt of federal disaster relief funds for costs associated with the storm. Staff has confirmed that Barrington Hills would not qualify for reimbursement of snow removal/salting costs under this program.

Miscellaneous: A committee meeting was held on March 22; and two resident complaints were addressed.

Trustee-related Extra-Board Meetings for the Month:

1) Meeting with Cook County Forest Preserve – 3 hrs
2) Roads and Bridges Committee Meeting – 2 hrs
3) McHenry County Conference on Drainage – 6.5 hrs
4) Private Road Homeowners' Summit – 2 hrs
5) Land Conservancy Meeting at McHenry County Farm Bureau – 3 hrs

Approximate number of volunteer mtg hours – 16.5

Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098

815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

March 18, 2011

Village of Barrington Hills
112 Algonquin Road
Barrington Hills IL, 60010

Subject: SW10-0142 – Chapel Road Drainage Improvements, Barrington Hills

Dear Applicant:

Thank you for your February 22, 2011 stormwater management permit application submittal of additional information. Your project is regulated by the McHenry County Stormwater Management Ordinance (SMO) and is classified as a Minor Development and as a Special Flood Hazard Area Development by the SMO. Wetlands/Open water are present on your property.

We have reviewed the following documents with respect to the requirements of the SMO.

- Chapel Road Drainage Improvement Plans, prepared by Gewalt Hamilton Associates, Inc., last revised February 14, 2011

General

1. Please reference the stormwater management permit number SW10-0142 on all future correspondence.
2. Please clarify if the prescriptive easement covers the entire limits of construction. A portion of the construction extends beyond the limits of the roadway pavement.

Stormwater Management

3. The topography indicates the presence of existing depressional storage. As a point of clarification from our previous letter, an existing depressional storage area is regulated as a Special Flood Hazard Area Development when the total storage of an individual depressional storage area exceeds 0.75 acre-feet. The calculations indicate the existing storage volume exceeds 0.75 acre-feet and is therefore considered a Special Flood Hazard Area Development. *No response required.*
4. The engineering plans shall include the existing and proposed flood prone elevations. Also, please verify the elevations on the plans match the report.
5. All concentrated stormwater discharges leaving a site shall be conveyed into an existing channel, storm sewer, or overland flow path with adequate downstream stormwater capacity. The discharges shall not result in increased erosion, flood damage or other drainage hazard. The invert of the overflow pipe from Drywell

MH#1 is below the calculated 100-year HWL. The applicant shall demonstrate that there is adequate downstream capacity for the downstream conveyance system. As an alternative, the applicant may choose to raise the invert elevation of the overflow pipe such that it is located at or above the top of the overflow elevation (discussed further in comment #8 below).

Stormwater Management Report

6. The minimum design velocity for a storm sewer shall be 2.5 feet per second. The maximum design velocity for a storm sewer shall be 8.0 feet per second. *The comment response letter indicates that this requirement is met; however, please provide supporting calculations.*
7. Provide a topographic exhibit of the entire depressional area so that we can verify the area calculations for the stage-storage data used in the PondPack model.
8. Provide a topographic exhibit indicating the location and elevation of the overflow for the depressional area. If the applicant chooses to use the County GIS 2-foot contour map as an approximate measurement, the top of overflow could be estimated at 6-inches above the ground elevation at the overflow plus 1-foot for accounting the level of accuracy of the 2-foot contours.
9. For the purpose of determining the peak storage required for depressional storage, a critical duration analysis shall compare the peak storage from varying frequency storm events up to and including the 240-hour event, as defined in the SMO. The model shall be revised accordingly.

Drain Tiles

10. A drain tile survey, meeting the requirements of Article VI. B.16 of the SMO, shall be submitted unless evidence can be provided that the site has no drain tiles present. *A drain tile survey is only required within the limits of the development area.*

Soil Erosion and Sediment Control

11. Soil and material stockpile locations shall be shown on the site plan. The stockpiles shall not be located within wetlands or flood prone areas. *The County GIS 2-foot contour data shall be added to sheet 7 within the area of the stockpile. It appears the stockpiles would be located within a flood prone area.*

Floodplain Management

12. Calculations shall be submitted demonstrating that the proposed culvert in a flood prone area meets the Bridge and Culvert Standards of the SMO (Article V.G.8). *It appears the methodology for the modeling assumes the culvert pipe acts as an equalizer between the depressions on either side of the road. The applicant shall provide supporting calculations to demonstrate this approach.*
13. As a point of clarification, the compensatory storage for depressional areas shall be at least equal to the storage volume displaced by fill and does not need to be hydraulically equivalent (.i.e. 0 to 10-year and 10-year to 100-year). *No response required.*
14. The development shall provide compensatory storage for all filled or drained regulatory depressional areas.

Wetland Impacts

15. A signed letter from Daniel Krill is required to state that he performed the wetland delineation and prepared the wetland report.
16. A Wetland Mitigation Plan, meeting the requirements of Article V.H.6 of the SMO shall be submitted. *We understand the applicant is requesting a variance for the wetland mitigation requirements. Pending the receipt of a jurisdictional determination from the USACE, our office will contact the applicant with additional information if it is determined the wetlands are Isolated Waters of McHenry County.*

Required Federal, State, and Local Coordination

17. A Class V Injection Well Inventory Form shall be filed with the IEPA. A copy of the letter from the IEPA acknowledging receipt of the form shall be submitted to McHenry County. *Still needs to be addressed. We understand the applicant is coordinating with IEPA.*
18. A jurisdictional determination from the USACE shall be submitted. If the wetlands are jurisdictional, a permit or letter of no objection from USACE shall also be submitted. Otherwise, if the wetlands are Isolated Waters of McHenry County, additional ordinance requirements may apply. *Still needs to be addressed. We have received the application for a JD, but we need the actual letter from the USACE stating that the wetland is non jurisdictional.*
19. A copy of the Natural Resources Inventory, prepared by the MCSWCD, shall be submitted. This comment is only applicable if the project is impacting Isolated Waters of McHenry County. *Still needs to be addressed. We understand the applicant has made the appropriate application with MCSWCD.*
20. Correspondence from USFWS and IDNR-OREP shall be submitted confirming that the proposed project would not impact threatened or endangered species. This comment is only applicable if the project is impacting Isolated Waters of McHenry County. *Still needs to be addressed. Please provide a copy of the EcoCat terminated consultation. We understand the applicant is still coordinating with USFWS.*

Summary:

- Revised plans and calculations shall be submitted to address the comments listed above.
- We acknowledge the applicant has submitted a petition for a variance requesting relief from the requirements of providing compensatory storage and wetland mitigation. **Prior to scheduling a variance hearing, we recommend a meeting with our office to discuss the project further.** Please contact us to coordinate.

Our review did not include field verification of existing conditions, elevations, grades and/or topography as shown on the plans. The applicant has the ultimate responsibility for the correct representation of existing field conditions as well as providing a design that complies with all applicable ordinances and standards.

If you have any questions, feel free to contact our office at (815) 334-4560. Thank you for your cooperation.

Sincerely,

S.M. "Monica" Hawk, P.E., CFM
Stormwater Engineer

cc. File
Daniel Strahan, GHA, 850 Forest Edge Drive, Vernon Hills, IL 60061

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Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098

815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

March 14, 2011

Village of Barrington Hills
112 Algonquin Road
Barrington Hills IL, 60010

Subject: SW11-0010 – Church Road Reconstruction at Algonquin Road, Barrington Hills

Dear Applicant:

Thank you for your February 17, 2011 stormwater management permit application submittal. Your project is regulated by the McHenry County Stormwater Management Ordinance (SMO) and is classified as a Public Road Development by the SMO.

We have reviewed the following documents with respect to the requirements of the SMO.

- Church Road Reconstruction, 2011 Drainage Program, prepared by Gewalt Hamilton Associates, Inc., last revised February 16, 2011

General

1. Please reference the stormwater management permit number SW11-0010 on all future correspondence.
2. The plans indicate right-of-way acquisition. Documentation should be submitted indicating that the proposed right-of-way has been acquired. This will be required prior to issuance of the stormwater management permit.
3. The limits of the proposed construction shall not extend onto the neighboring property unless an easement or letter of permission is obtained from the neighboring property. The proposed grading near cross-section stations 2+00 and 2+07 is shown outside the proposed right-of-way.
4. The site plan shall show the entire extent of the work required to complete your project. The following information should be included on the site plan.
    a. Proposed contours on the plan views
    b. Private easements.
5. A calculation of the total disturbed area shall be included with the permit submittal. If the total disturbed area exceeds 20,000 square feet, additional ordinance requirements may apply.
6. The cover page indicates a benchmark on the NAVD 88 datum; however, Note A-16 on sheet 2 indicates the NGVD 29 datum. Please revise the plans accordingly for consistency purposes.

Stormwater Management

7. At points where concentrated flow leaves the project site (15" RCP outlet at northwest corner of Wolf & Algonquin), energy dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow so that the natural physical and biological characteristics and functions are maintained and protected.
8. All concentrated stormwater discharges leaving a site shall be conveyed into an existing channel, storm sewer, or overland flow path with adequate downstream stormwater capacity. The discharges shall not result in increased erosion, flood damage or other drainage hazard. It appears that runoff conveyed within the existing ditch along the east side of Church Road directs runoff toward the east along Algonquin Road. The proposed improvements appear to re-direct a portion of this runoff into a proposed storm sewer system which oulets at the northwest corner of Wolf & Algonquin and directs runoff toward the north along Wolf Road. The applicant shall demonstrate that there is adequate downstream capacity for the entire downstream conveyance system to the source of flooding. As an alternative, the applicant may choose to maintain existing drainage patterns.

Storm Sewer Design

9. Calculations shall be submitted demonstrating the design flow rate of a storm sewer shall not exceed its full flow capacity, unless hydraulic grade line calculations are submitted which demonstrate that rim elevations would not be inundated by the design storm. The 10-year critical duration storm shall be used as a minimum for the design of storm sewers, minor swales, and appurtenances.
10. The minimum design velocity for a storm sewer shall be 2.5 feet per second. The maximum design velocity for a storm sewer shall be 8.0 feet per second.

Drain Tiles

11. The engineering plans shall include a note stating that "Drain tile systems disturbed during development must be reconnected by those responsible for their disturbance unless the approved engineering plans indicate how the drain tile system is to be connected to the proposed stormwater management system. All abandoned drain tiles shall be removed in their entirety."
12. A drain tile survey, meeting the requirements of Article VI. B.16 of the SMO, shall be submitted unless evidence can be provided that the site has no drain tiles present. *This is required if the disturbed area is 20,000 square feet or more.*

Soil Erosion and Sediment Control

13. The engineering plans shall include construction details for the installation of each control measure, including the erosion control blanket, ditch checks, coir log, etc.
14. Construction Sequencing (sheet 5 of 7) Note #1 (silt fence installation) and Note #6 (pumping of standing water in wetland) do not appear to pertain to this project. Please revise the notes accordingly for consistency purposes.

Required Federal, State, and Local Coordination

15. The plans shall indicate the jurisdictional boundary. If any of the improvements are located within the jurisdiction of another roadway authority, the applicant

shall obtain a permit from the appropriate agency. This will be required prior to the issuance of the stormwater management permit.

Summary:

- Revised plans and calculations shall be submitted to address the comments listed above.

Our review did not include field verification of existing conditions, elevations, grades and/or topography as shown on the plans. The applicant has the ultimate responsibility for the correct representation of existing field conditions as well as providing a design that complies with all applicable ordinances and standards.

If you have any questions, feel free to contact our office at (815) 334-4560. Thank you for your cooperation.

Sincerely,

S.M. "Monica" Hawk, P.E., CFM
Stormwater Engineer

cc. File
Daniel Strahan, GHA, 850 Forest Edge Drive, Vernon Hills, IL 60061

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DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

REPLY TO
ATTENTION OF:

March 17, 2011

Technical Services Division
Regulatory Branch
LRC-2010-00739

SUBJECT: Approved Jurisdictional Determination for the Property along Chapel Road West of Church Road and East of Haegers Bend Road in Barrington Hills, McHenry County, Illinois

Robert Kosin
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, Illinois 60010

Dear Mr. Kosin:

This is in response to your request that the U.S. Army Corps of Engineers complete a jurisdictional determination for the above-referenced site submitted on your behalf by Gewalt Hamilton Associates. The subject project has been assigned number LRC-2010-00739. Please reference this number in all future correspondence concerning this project.

Following a review of the information you submitted, this office has determined that the subject property contains "waters of the United States". One jurisdictional area, identified as Wetland 3, was determined to be jurisdictional. **Wetland 3 is a relatively permanent water that drains directly to the Fox River, a traditional navigable water, and is therefore jurisdictional. Wetlands 1, 2, 4, 5, and 6 were investigated for any nexus to Wetland 3 or other jurisdictional waters and no connection was found. These wetlands were determined to be isolated, non-jurisdictional waters.** For a detailed description of our determination please refer to the enclosed decision document. This determination covers only your project as depicted in the "Chapel Road Wetland Delineation Report" dated October 2009 and the "Chapel Road Farmed Wetland Determination" dated October 2009, prepared by Gewalt Hamilton Associates.

This office concurs with the submitted wetland delineation, and wetland boundaries at the subject site. This determination is valid for a period of five (5) years from the date of the letter, unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis. We do not concur with the boundaries of waters not under federal jurisdiction.

This letter is considered an approved jurisdictional determination for your subject site. If you object to this determination, you may appeal, according to 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and a Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form

to the Great Lakes/Ohio River Division Office at the following address:

US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street - 10th floor
Room 10032
Cincinnati, Ohio 45202-3222
ATTN: Ms. Pauline Thorndike
Regulatory Appeals Review Officer
(513) 684-6212

In order to be accepted, your RFA must be complete, meet the criteria for appeal and be received by the Division Office within sixty (60) days of the date of the NAP. If you concur with the determination in this letter, submittal of the RFA form to the Division office is not necessary.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is your responsibility to obtain any required state, county, or local approvals for impacts to wetland areas not under the Department of the Army jurisdiction. Please note that the McHenry County Ordinance regulates isolated waters of McHenry County that are not under the jurisdiction of the U.S. Army Corps of Engineers. For projects in incorporated areas of McHenry County, contact the certified community for information related to the ordinance. For projects in unincorporated areas of McHenry County, contact the McHenry County Department of Planning and Development at (815) 334-4560.

Pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, including wetlands. A Department of the Army permit is required for any proposed work involving the discharge of dredged or fill material within the jurisdiction of this office. To initiate the permit process, please submit a joint permit application form along with detailed plans of the proposed work. Information concerning our program, including the application form and an application checklist, can be found at and downloaded from our website: http://www.lrc.usace.army.mil/co-r.

If you have any questions, please contact Mr. Soren Hall of my staff by telephone at 312-846-5532 or email at Soren.G.Hall@usace.army.mil.

Sincerely,

Keith L. Wozniak
Chief, West Section
Regulatory Branch

Enclosures

Copy Furnished w/out Enclosures:

Gewalt Hamilton Associates (Nikki Pisula)

bcc: Roads & Bridges

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Robert Kosin, Village of Barrington Hills	File Number: LRC-2010-00739	Date: March 17, 2011

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A. INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit or a Letter of Permission (LOP), you may sign the permit document and return it to the district engineer for final authorization. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B. PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit or a Letter of Permission (LOP), you may sign the permit document and return it to the district engineer for final authorization. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D. APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E. PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Regulatory Branch Chicago District Corps of Engineers 111 North Canal Street Chicago, IL 60606-7206 Phone: (312) 846-5530 Fax: (312) 353-4110	Pauline Thorndike Division Review Officer, CELRD-PDS-O Great Lakes and Ohio River Division 550 Main Street, Room 10032 Cincinnati, OH 45202-3222 Phone: (513) 684-6212 Fax: (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 05-Jan-2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2010-00739-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State :	IL - Illinois
County/parish/borough:	McHenry
City:	Barrington Hills
Lat:	42.17533
Long:	-88.24745
Universal Transverse Mercator	Folder UTM List *UTM list determined by folder location* • NAD83 / UTM zone 16N Waters UTM List *UTM list determined by waters location* • NAD83 / UTM zone 16N
Name of nearest waterbody:	Fox River
Name of nearest Traditional Navigable Water (TNW):	
Name of watershed or Hydrologic Unit Code (HUC):	0712000612

☑ 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: 01-Dec-2010

☑ Field Determination Date(s): ☐ 02-Dec-2010

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-2010-739 Wetland 1	Isolated (interstate or intrastate) waters, including isolated wetlands
LRC-2010-739 Wetland 2	Isolated (interstate or intrastate) waters, including isolated wetlands
LRC-2010-739 Wetland 4	Isolated (interstate or intrastate) waters, including isolated wetlands
LRC-2010-739 Wetland 5	Isolated (interstate or intrastate) waters, including isolated wetlands
LRC-2010-739 Wetland 6	Isolated (interstate or intrastate) waters, including isolated wetlands

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:
Wetlands 1, 2, 4, 5 and 6 were determined to be isolated, depressional wetlands with no nexus with jurisdictional waters.

Wetland 2 is confined along the north side of Chapel Road and is therefore isolated. Wetland 1 is bisected by Chappel Road and has the greatest potential to flow south. The area to the north and east is higher in elevation and it does not appear that water drains northwest. The potential for wetlands 1 to flow south was investigated using available maps, but no identifiable flow route was identified. Wetland 1 is not associated with any hydric soil lobe leading to other wetlands or waters. The USGS Hydrologic Atlas identifies a depressional area consistent with a portion of Wetland 1, but there is no flow route from this area. There are also no floodplains in this area. The potential for wetlands 4, 5, and 6 to be jurisdictional was eliminated when Wetland 1 was determined to be isolated because the only connection they would have would be to Wetland 1. No other flow route was found for these wetlands, so they were determined to be isolated.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1.TNW
Not Applicable.

2. Wetland Adjacent to TNW
Not Applicable.

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

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

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

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

Tributary flows directly into TNW.

Tributary flows through [ ] tributaries before entering TNW.

:Number of tributaries

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

Project waters cross or serve as state boundaries.

Explain:

Identify flow route to TNW:[5]

Tributary Stream Order, if known:
Not Applicable.

(b) General Tributary Characteristics:

Tributary is:
Not Applicable.

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

Primary tributary substrate composition:
Not Applicable.

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

(c) Flow:
Not Applicable.

Surface Flow is:
Not Applicable.

Subsurface Flow:
Not Applicable.

Tributary has:
Not Applicable.

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

High Tide Line indicated by:
Not Applicable.

Mean High Water Mark indicated by:
Not Applicable.

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

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

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

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

(b) General Flow Relationship with Non-TNW:

Flow is:
Not Applicable.

Surface flow is:
Not Applicable.

Subsurface flow:
Not Applicable.

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

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

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

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

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

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

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

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

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

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

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

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

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS:[10]

Waters Name	Interstate\Foreign Travelers	Fish/Shellfish Commerce	Industrial Commerce	Interstate Isolated	Explain	Other Factors	Explain
LRC-2010-739 Wetland 1	-	-	-	-	-	-	-
LRC-2010-739 Wetland 2	-	-	-	-	-	-	-
LRC-2010-739 Wetland 4	-	-	-	-	-	-	-
LRC-2010-739 Wetland 5	-	-	-	-	-	-	-
LRC-2010-739 Wetland 6	-	-	-	-	-	-	-

Identify water body and summarize rationale supporting determination:

Water Name	Adjacent To TNW Rationale	TNW Rationale
LRC-2010-739 Wetland 1	-	-
LRC-2010-739 Wetland 2	-	-
LRC-2010-739 Wetland 4	-	-
LRC-2010-739 Wetland 5	-	-
LRC-2010-739 Wetland 6	-	-

Provide estimates for jurisdictional waters in the review area:

Water Name	Type	Size (Linear) (m)	Size (Area) (m²)
LRC-2010-739 Wetland 1	Isolated (interstate or intrastate) waters, including isolated wetlands	-	36421.704
LRC-2010-739 Wetland 2	Isolated (interstate or intrastate) waters, including isolated wetlands	-	607.0284
LRC-2010-739 Wetland 4	Isolated (interstate or intrastate) waters, including isolated wetlands	-	202.3428
LRC-2010-739 Wetland 5	Isolated (interstate or intrastate) waters, including isolated wetlands	-	404.6856
LRC-2010-739 Wetland 6	Isolated (interstate or intrastate) waters, including isolated wetlands	-	607.0284
Total:		**0**	**38242.7892**

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:

Water Name	Type	Size (Linear) (m)	Size (Area) (m²)
LRC-2010-739 Wetland 1	Isolated (interstate or intrastate) waters, including isolated wetlands	-	36421.704
LRC-2010-739 Wetland 2	Isolated (interstate or intrastate) waters, including isolated wetlands	-	607.0284
LRC-2010-739 Wetland 4	Isolated (interstate or intrastate) waters, including isolated wetlands	-	202.3428
LRC-2010-739 Wetland 5	Isolated (interstate or intrastate) waters, including isolated wetlands	-	404.6856
LRC-2010-739 Wetland 6	Isolated (interstate or intrastate) waters, including isolated wetlands	-	607.0284
Total:		**0**	**38242.7892**

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.

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 05-Jan-2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, LRC-2010-00739-JD2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State :	IL - Illinois
County/parish/borough:	McHenry
City:	Barrington Hills
Lat:	42.17533
Long:	-88.24745
Universal Transverse Mercator	Folder UTM List *UTM list determined by folder location* • NAD83 / UTM zone 16N Waters UTM List *UTM list determined by waters location* • NAD83 / UTM zone 16N
Name of nearest waterbody:	Fox River
Name of nearest Traditional Navigable Water (TNW):	
Name of watershed or Hydrologic Unit Code (HUC):	0712000612

☑ 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: 01-Dec-2010

☑ Field Determination Date(s): ☐ 02-Dec-2010

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-2010-739 Wetland 3	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 entering TNW.

:Number of tributaries

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

Project waters cross or serve as state boundaries.

Explain:

Identify flow route to TNW:[5]

Tributary Stream Order, if known:

Order	Tributary Name
-	LRC-2010-739 Wetland 3

(b) General Tributary Characteristics:
Tributary is:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
LRC-2010-739 Wetland 3	-	-	-	X	Natural stream channel that has been straightened

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

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
LRC-2010-739 Wetland 3	-	-	-

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
LRC-2010-739 Wetland 3	-	-	-	X	-	-	-	-	-

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

Tributary Name	Condition\Stability	Run\Riffle\Pool Complexes	Geometry	Gradient (%)
LRC-2010-739 Wetland 3	Stone visible in photo from consultant	-	Relatively straight	-

(c) Flow:

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume
LRC-2010-739 Wetland 3	-	-	-	-

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
LRC-2010-739 Wetland 3	-	-

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
LRC-2010-739 Wetland 3	-	-	-

Tributary has:

Tributary Name	Bed & Banks	OHWM	Discontinuous OHWM[7]	Explain
LRC-2010-739 Wetland 3	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-2010-739 Wetland 3	-	-

(iv) Biological Characteristics. Channel supports:

Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
LRC-2010-739 Wetland 3	X	-	-	-	X

Habitat for: (as indicated above)

Tributary Name	Habitat	Federally	Explain Findings	Fish\Spawn Areas	Explain Findings	Other Environmentally	Explain Findings	Aquatic\Wildlife	Explain Fir

		Listed Species				Sensitive Species		Diversity	
LRC-2010-739 Wetland 3	X	-	-	-	-	-	-	X	-

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

(i) Physical Characteristics:
(a) General Wetland Characteristics:
Properties:
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 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-2010-739 Wetland 3	PERENNIAL	Dashed blue line on USGS map

Provide estimates for jurisdictional waters in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m^2)
LRC-2010-739 Wetland 3	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	-	202.3428
Total:		**0**	**202.3428**

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

Provide estimates for jurisdictional waters in the review area:

Not Applicable.

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

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

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

Provide acreage estimates for jurisdictional wetlands in the review area:

Not Applicable.

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

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

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

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

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

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

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements:
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce:
- ☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based soley on the "Migratory Bird Rule" (MBR):
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain):

- ☐ Other (Explain):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangere 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	Maps from consultant	McHenry County ADID, USGS Soil Survey, USGS Topographic, USGS Hydrologic Atlas, FIRM, Wetland Delineation, Site Photographs
--Data sheets prepared/submitted by or on behalf of the applicant/consultant	-	-
----Office concurs with data sheets/delineation report	Data Sheets	-
--Other information	2 Foot Contours	On GIS on computer

B. ADDITIONAL COMMENTS TO SUPPORT JD:
Not Applicable.

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

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

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

4.-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the 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 brea OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

7.-Ibid.

8.-See Footnote #3.

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

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