



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
CHICAGO DISTRICT, CORPS OF ENGINEERS  
231 SOUTH LA SALLE STREET  
CHICAGO, ILLINOIS 60604-1437

August 14, 2015

Technical Services Division  
Regulatory Branch  
LRC-2015-468

**SUBJECT: Jurisdictional Determination for a Property Located North of Checker Road and West of Old Hicks Road, Ela Township and Long Grove, Lake County Illinois (SW ¼ of Section 36, T43N R10E)**

Steve Goodman  
Fidelity Builders, Inc.  
1351 Abbott, Suite B  
Buffalo Grove, Illinois 60089

Dear Mr. Goodman:

This is in response to your request for a jurisdictional determination, submitted on your behalf by Midwest Ecological, Inc., for the above-referenced project. This office has determined that there are no waterways, wetlands or other areas considered "waters of the United States" under Corps of Engineers jurisdiction at the site. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act is not required. **Wetlands A, B, and C do not exhibit a surface water connection to a navigable waterway, and are therefore not subject to Department of the Army regulations.** Please note that this office does not concur with the boundaries of waters not under federal jurisdiction. It is your responsibility however to obtain any required state or local approvals for this project.

This determination covers only your project as described above and as shown in the Wetland Delineation Report dated June 9, 2015, prepared by Midwest Ecological, Inc. Enclosed, please find a copy of the decision document for our determination. Although this determination provides a notification of the presence of waters not under Federal jurisdiction, this determination does NOT finalize the wetland boundary.

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.

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

Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

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. For projects in unincorporated areas of Lake County, please contact Lake County Planning, Building and Development at (847) 377-2600. For projects in incorporated areas of Lake County, please contact the Lake County Stormwater Management Commission at (847) 377-7700.

This letter is considered an approved jurisdictional determination for your subject site. If you wish to appeal this decision or if you have any questions please contact Ms. Kimberly Kubiak of my staff by telephone at 312-846-5541 or email at [kimberly.j.kubiak@usace.army.mil](mailto:kimberly.j.kubiak@usace.army.mil). You may also visit our website at <http://www.lrc.usace.army.mil/Missions/Regulatory.aspx> for information on our program.

Sincerely,

Digitally signed by  
CHERNICH.KATHLEEN.G.123036  
5616  
Date: 2015.08.20 18:43:27 -05'00'

Kathleen G. Chernich  
Chief, East Section  
Regulatory Branch

Enclosures

Copy Furnished w/out Enclosures:

Lake County Stormwater Management Commission (Kurt Woolford)  
Lake County Planning, Building and Development Department (Steve Crivello)  
Midwest Ecological, Inc. (Rob Vanni)

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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 7/24/2015**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Chicago District, LRC-2015-468

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** West of Old Hicks Rd, North of Checker Rd  
State: Illinois County/parish/borough: **Lake** City: Long Grove, and Ela Township  
Center coordinates of site (lat/long in degree decimal format): Lat. 42.15928°N, Long. -88.02168° W.  
Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Buffalo Creek Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Des Plaines River**

Name of watershed or Hydrologic Unit Code (HUC): **Des Plaines (07120004)**

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 this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: 7/24/2015

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

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

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

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

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**2. Non-regulated waters/wetlands (check if applicable):<sup>1</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Wetland A (0.21 ac), Wetland B (2.16 ac), and Wetland C (0.32 ac) are closed depressional features along the watershed divide, and have no hydrologic connection to the Buffalo Creek Tributary.**

**SECTION III: CWA ANALYSIS**

**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 (CHECK ALL THAT APPLY):<sup>2</sup>**

which are or could be used by interstate or foreign travelers for recreational or other purposes.

from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

which are or could be used for industrial purposes by industries in interstate commerce.

Interstate isolated waters. Explain:

Other factors. Explain:

**Identify water body and summarize rationale supporting determination:**

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters:

Wetlands: acres.

<sup>1</sup> Supporting documentation is presented in Section III.F.

<sup>2</sup> 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.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- 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 solely 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, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 2.69 acres.

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 (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Delineation dated 6-9-2015.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: Lake Zurich HA 208, 1966, .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Lake Zurich 7.5", 1993, Pick List, Pick List, .
- USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey of Lake County, Illinois (2005).
- National wetlands inventory map(s). Cite name: Lake Zurich, .
- State/Local wetland inventory map(s): Lake County ADID, Lake County Wetland Inventory, .
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): .  
or  Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetlands along watershed divide with no hydrologic connection.**

- Area(s) are geographically isolated.
- Area(s) do not have a hydrologic nexus.
- Area(s) do not have an ecological nexus.
- Area(s) do not have evidence of a subsurface flow connection to a jurisdictional water.
- Area(s) do not have evidence of surface overland sheet flow.
- Area(s) are not located within the flood plain.

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