



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 10-MAY-2021
ORM Number: CEMVR-RD-2021-0031, Continental Properties Co., Inc.
Associated JDs: N/A
Review Area Location¹: Wolf's Crossing Road and W. of Douglas Rd., Oswego, IL 60543
State/Territory: IL City: Oswego County/Parish/Borough: Kendall County
Center Coordinates of Review Area: Latitude 41.68300 Longitude -88.31250

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland-Area 1	0.008 acres	(b)(1) Non-adjacent wetland	Wetland Area 1 is an isolated emergent wetland located in the southwest corner of the subject property, contained within a lowland, flat landform in Study Area 1. Hydrology for this wetland appears to be maintained through precipitation and surface runoff from the surrounding landscape. Wetland Area 1 was dominated by barnyard grass, fall panic grass and rough cocklebur. Due to its status as a lowland and flat landform with no direct surface connection to jurisdictional waters, Wetland Area 1 is isolated and is not a jurisdictional water under the NWPR.
Roadside Ditch-Area 3	722 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1) (AJD \ GA_N \ EXCLUSION)	Area 3 consists of a roadside ditch located in the southern portion of the property. The road side ditch is for farm access/access to Keierleber Road. The ditch fails all three criteria and does not qualify as a wetland, was not constructed in wetlands, and was not a former stream channel. Roadside Ditch-Area 3 is not a jurisdictional water under the NWPR.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: *Title(s) and date(s). V3 Companies, Wetland Delineation and Assessment Report, Avanterra Site, Wolf's Crossing Rd. and W. of Douglas Rd. East, Oswego, Kendall County, Illinois, December 3, 2020.*
- This information is sufficient for purposes of this AJD.
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s). Google Earth satellite imagery 1985-2020. Field site visit photos from Wetland Delineation Report.*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

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- USDA NRCS Soil Survey maps: *Title(s) and/or date(s). USDA NRCS Soil Survey of Kendall County, Illinois. Web Soil Survey.*
- USFWS NWI maps: *Title(s) and/or date(s). US Fish and Wildlife Service National Wetland Inventory*
- USGS topographic maps: *Title(s) and/or date(s). USGS Topo Map Aurora South, IL 7.5' Quadrangle map*
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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	12 Digit Hydrologic Unit Code (HUC) Map
USDA Sources	
NOAA Sources	
USACE Sources	1987 USACE Wetland Delineation Manual and 2010 Midwest Regional Supplement.
State/Local/Tribal Sources	Illinois Flood Zones (2019)
FEMA	FEMA Floodplain map of Kendall Co, IL
Other Sources	Floristic Quality Assessment (FQA)
Other Sources	

Typical year assessment(s): N/A

B. Additional comments to support AJD: N/A

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