



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): 05-JAN-2021
ORM Number: CEMVR-RD-2020-1116, EEC IL, Inc.
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: IL City: Minooka County/Parish/Borough: Grundy County
Center Coordinates of Review Area: Latitude 41.423917 Longitude -88.254273

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
2020-1116-Stream	590 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The (a)(2) intermittent stream collects water from overland flow and is fed by agricultural field drain tiles, which convey water underground from Farmed Wetland 1 and the Eroded Drainage Feature. The Intermittent Tributary connects to the DuPage River approximately 0.9 miles to the east, which then connects to the Des Plaines River, a TNW (a)(1) water, approximately one mile to the south. The channel of the Intermittent Tributary averages 4 feet in width and its banks average 2 feet in height. At the time of the field investigation, water depth within the channel varied between approximately 1 to 4 inches.

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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			The Intermittent Tributary flows to the east and connects to the DuPage River, which flows to the Des Plaines River, and is therefore under the jurisdiction of the U.S. Army Corps of Engineers.
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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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
2020-1116-Wet 1	0.046 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland is located within the southern portion of the project area and directly abuts and in some areas is found within an (a)(2) intermittent stream. Wetland 1 is associated with the Intermittent Tributary found on site. Due to this association, Wetland 1 is jurisdictional under the NWPR. The Intermittent Tributary connects to the DuPage River approximately 0.9 miles to the east, which then connects to the Des Plaines River approximately one mile to the south.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020-1116-ED Feature-F	700 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional drainage features are located in the south-central portion of the project. These features consist of eroding depressional areas that show evidence of conveying water from the agricultural field towards the woods and ultimately the Intermittent Tributary. Agricultural tiles outlet through pipes into small, sparsely vegetated, ephemeral drainageways that are channelized and erosional in nature and do not share intermittent hydrology like the remainder of the Intermittent Tributary. Based on the dominance of upland plant species, the Eroded Drainage Features do not qualify as farmed wetlands. These features are considered exempt from regulation due to their status as ephemeral features, flowing only in response to precipitation.
2020-1116-FWet 1	2.06 acres	(b)(1) Non-adjacent wetland	The farmed wetland was not directly abutting the stream but was nearby and draining to the stream via tiles. According to the topographic survey included in the grading plans, there is approximately 1 foot of rise in between the two features (FW and stream) and approximately 80 feet of distance. The consultant did not see any riser pipes and did not take any points in between the two features. The woodland edge between the two features were primarily dominated by brome, honeysuckle and mesic woodland trees. Two additional sample points were taken between Farmed Wetland 1

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			and the Intermittent Tributary which did not meet soils or hydrology and is therefore referred to as "Investigated Area 4" FW was not hydrologically connected to the intermittent stream.
2020-1116-Wet 2	0.0066 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Wetland 2 is located within the southwestern portion of the project area. Wetland 2 is a small vernal pool that collects water from overland flow. Due to its status as a closed depression with no direct surface connection to jurisdictional waters, Wetland 2 is isolated and therefore, not jurisdictional under the NWPR or regulated by USACE.

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). ENCAP, Inc. Project# 20-0103C, Wetland Delineation Report, Bell Road-Minooka Site, Aux Sable Township, Grundy County, Illinois, May 4, 2020, Revised Oct 23, 2020, Updated Nov 30, 2020, updated Dec 11, 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 1995-2019*
- 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.*
- USDA NRCS Soil Survey: *Title(s) and/or date(s). USDA NRCS Web Soil Survey 3.1*
- 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). 2018 USGS Topo Map Minooka, IL Quadrangle*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD. ENCAP INC. used the Antecedent Precipitation Data for the date that the delineation was performed, it shows that the time period was “Wetter than Normal”. For investigated wetland areas lacking hydrology indicators, you would expect to find these hydrology indicators during normal conditions, and they should be especially apparent in a wetter than normal time of year, you would expect to see hydrology indicators. If these areas were going to have wetland hydrology during normal conditions, it would be apparent during a “Wetter than Normal” time period

- B. Additional comments to support AJD:** N/A or provide additional discussion as appropriate. FEMA Flood Insurance Rate Map, Panel NO. 17063C0070F, Aug 2, 2012.

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LEGEND:

- Project Area —
- On-Site Tributary Boundary —
- Approximate Off-site Tributary Boundary —
- Wetland Extent
- On-site Tile Outlet Drainageway —
- Erosional Drainage Feature - - -
- On-site Farmed Wetland Boundary —
- Off-site Farmed Wetland Boundary - - -
- Off-site Detention Pond —
- Sample Points ● A-M
- Tile Outlet Y

Delineation Field Work Performed 04.16.2020

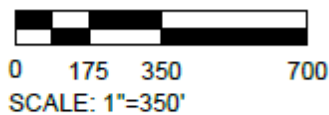
Surveyed Boundaries Provided by SPACECO, Inc.

Aerial Photograph

Map data: Google Earth
2017

Bell Road, Minooka

Project Number: 20-0103C
SPACECO, Inc.



NORTH

Exhibit G