



**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): 6/9/2021
 ORM Number: CEMVR-RD-2020-1786, J.P. Morgan Asset Management
 Associated JDs: CEMVR-OD-P-2007-1820, CEMVR-OD-P-2017-1208
 Review Area Location¹: State/Territory: Illinois City: Morris County/Parish/Borough: Grundy
 Center Coordinates of Review Area: Latitude 41.4059 Longitude -88.3785

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.	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.	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.	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.	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 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.



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

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.	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 1	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The identified wetland area does meet all the requirements for a wetland but because it does not have a direct surface connection to any other jurisdictional water, or meet the adjacency criteria, it is therefore isolated and not jurisdictional.
Wetland 2	0.01	acres	(b)(1) Non-adjacent wetland.	The identified wetland area does meet all the requirements for a wetland but because it does not have a direct surface connection to any other jurisdictional water, or meet the adjacency criteria, it is therefore isolated and not jurisdictional.
Farmed Wetland	2.0	acres	(b)(1) Non-adjacent wetland.	The identified wetland area does meet all the requirements for a wetland, and a previous NRCS wetland determination called it a farmed wetland. But because it does not have a direct surface connection to any other jurisdictional water, or meet the adjacency criteria, it is therefore isolated and not jurisdictional.
Excavated Pond	0.76	acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Reviewed of historic aerial photography for the site shows that the pond was excavated many years ago and is clearly visible on a 1940 aerial photograph. It is an open water pond and is surrounded by rocks and large boulders. The size of the open water pond is 0.76 acre. The pond outlets to the ditch on the east side of the property which flows to an offsite tributary to the southeast. The ditch is not present in these earlier photographs, and based on aerial photo signatures and the site topography, it appears that the pond

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.



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

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Excavated Ditch	0.28 2425	acres linear ft.	(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).	<p>previously drained towards the south and west. The identified pond does not meet all the requirements for a pond constructed on a tributary or within a wetland or have a direct connection to a JD Water. It appears to be an artificial pond which has been constructed in an upland. It is therefore not jurisdictional.</p> <p>The excavated ditch along the extreme eastern limits of the property appears to have been constructed more recently than the pond. The ditch is not visible on the 1952 or 1973 aerials and the area of the ditch appears to be upland farmed land. The ditch is present on the 1998 aerial photograph. Photographs of the ditch, which averages 5 feet in width along its length of 2425 linear feet (from southeast corner of pond to connection with tributary channel to the Aux Sable). The estimated size of the ditch is 0.28 acre. The ditch is primarily unvegetated except for the extreme southern limits, near its connection to the tributary channel. In this area of the ditch there is reed canary grass and watercress present. The identified ditch does not meet all the requirements for a tributary because it is not a former stream and was not constructed in wetlands, it is therefore not jurisdictional.</p>
Investigated Area 1	2.69	acres	(b)(6) Prior converted cropland.	<p>The southeastern portion of the study area, showed wetness features on aerial photos, but was previously determined to be PC by a NRCS wetland determination. This area had some drain tile issues previously which have been corrected and the area is successfully farmed. Drain tile exhibit maps confirm this and document the presence of the tiles and the repair work. The Investigated Area 1 does not meet all the requirements for a wetland and had been documented as a prior converted wetland which has been</p>



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

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			continuously farmed. It is therefore considered to be prior converted cropland and is not jurisdictional.

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: [WETLAND/WATERS ASSESSMENT REPORT SEGGEBRUCH PARCEL MORRIS, GRUNDY COUNTY, ILLINOIS \(CBBEL Project No. 07-0096\) WETLAND AND WATERS DELINEATION](#) By: Christopher B. Burke Engineering, Ltd..

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other](#):
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [CEMVR-OD-P-2007-1820, CEMVR-OD-P-2017-1208](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	See above
USDA Sources	NRCS wetland determination included as part of the above listed wetland delineation.
NOAA Sources	N/A.
USACE Sources	Google Earth Images
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [N/A](#) or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: [Supplemental Information was collected and submitted by Christopher Burke Engineering, Ltd. on 6/4/21 and 6/7/21.](#)



Legend

-  EXCAVATED DITCH
-  EXCAVATED POND
-  POTENTIAL FARMED WETLAND
-  WETLAND



For HERR Group, Ltd. and its subsidiaries. Results are for the use of the client. Results are not to be used for any other purpose. Results are not to be used for any other purpose. Results are not to be used for any other purpose. Results are not to be used for any other purpose.

CLIENT:



TITLE:

APPROXIMATE WETLAND DELINEATION

CBBEL # 07-0066-00005

DATE: 5/22/2021



CHRISTOPHER B. BURKE ENGINEERING, LTD.
9575 W. Higgins Road, Suite 600 • Rosemont, Illinois 60018 • (847) 823-0500

DOWN	REV.	SCALE:	1" = 500'
DATE:	TITLE:	FILE NAME:	070066-00005_AWD

EXH 6

41.4059, -88.3785 Search

Hotels near JPK Get Directions History

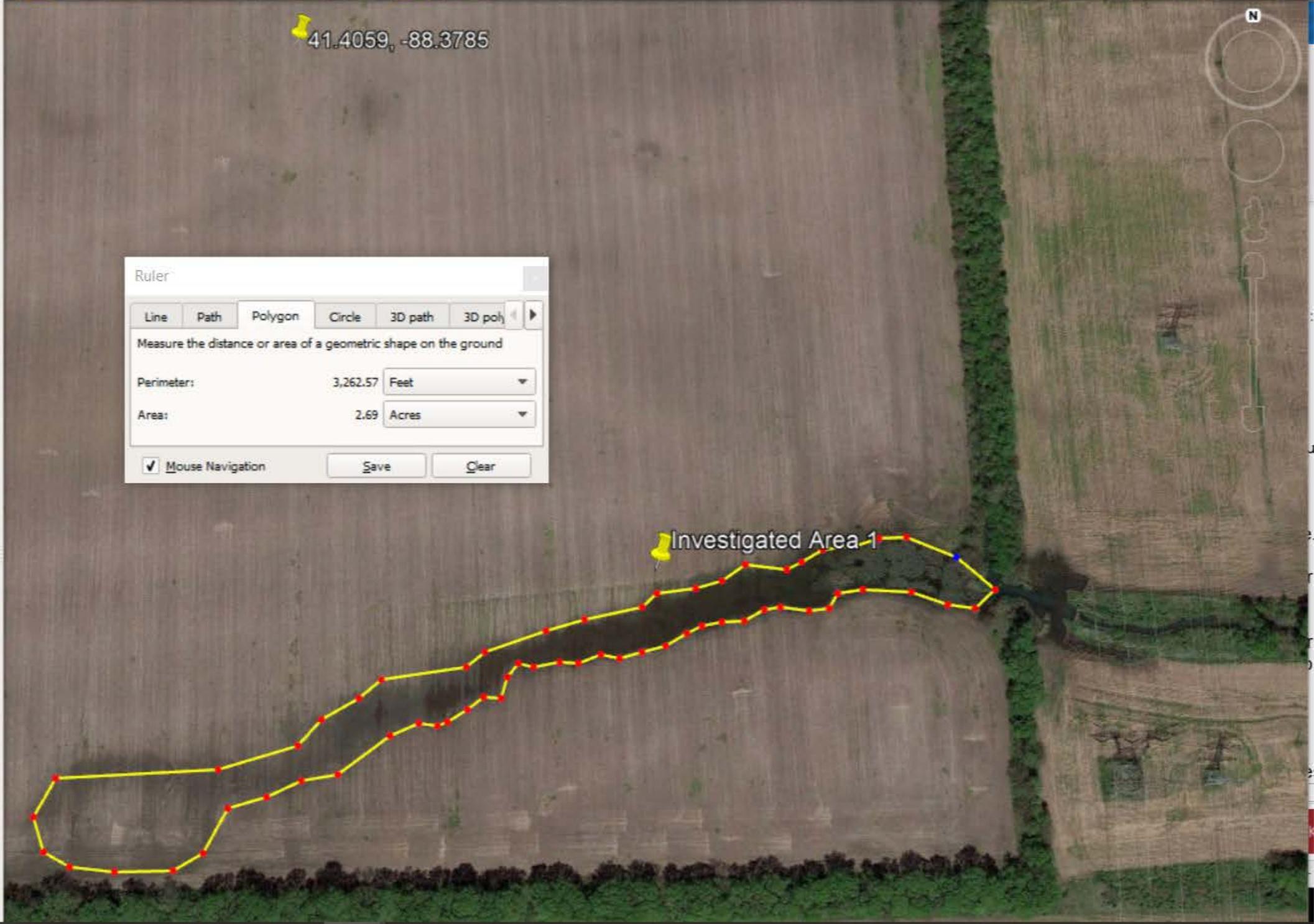
41.4059, -88.3785

Places

- Kelsey pond
- Complaint Location.kmz
- DeWitt Co UA
- Untitled Path
- BSS Streams
- SoilWeb
- Streaming, seamless interface to USDA-NCSS
- River & Levee Crossing (...)
- Ameren TR-93 Geotech B...
- ~GEC14564.kmz
- 21-0655
- Wetland-Area 1
- Roadside Ditch-Area 3
- SN 063-7017
- Investigated Area 1

Layers

- Primary Database
- Announcements
- Borders and Labels
- Places
- Photos
- Roads



Ruler

Line Path Polygon Circle 3D path 3D poly

Measure the distance or area of a geometric shape on the ground

Perimeter: 3,262.57 Feet

Area: 2.69 Acres

Mouse Navigation Save Clear

Investigated Area 1