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): 08-JUL-2021
ORM Number: MVR-2021-00497-WF
Associated JDs: 2020-01458
Review Area Location[1]:
State/Territory: IL City: Pekin County/Parish/Borough: Tazewell County
Center Coordinates of Review Area: Latitude 40.59475 Longitude -89.63587

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

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

[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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
Stream 1	522 feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	This intermittent stream has an established bed and bank and intermittent flow. However, tributary enters a series of man-made lakes, which through a culvert connects one lake to the Illinois River during a 30+ year flood event which is not a typical year. Therefore, this intermittent feature is a (b)(1) exclusion: surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.

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.

_**X**_ Information submitted by, or on behalf of, the applicant/consultant: *Joint Permit Application Package 2/17/2021 which includes Wetland Delineation completed 10/16/2020 and Email from Mohammed Ahmed dated 6/18/2021.*
This information *is* sufficient for purposes of this AJD.
Rationale: *N/A*

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

_**X**_ Photographs: *Wetland Delineation Appendix B, Aerial Photo Figure 2 of Application Package.*

___ 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).*

_**X**_ USFWS NWI maps: *Joint Application Package Figure 3.*

_**X**_ USGS topographic maps: *Joint Application Package Figure 1.*

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.

B. Typical year assessment(s):

Midwest Engineering's hydraulic model indicates Lake Kennedy overflows into the Secondary Lake beginning at 25 year recurring storm event. The model results are substantiated by testimonies from

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the City. The Secondary Lake overflows into the Route 29 Culvert through an 18" HDPE pipe. The HDPE pipe's inlet invert elevation is (445.01 NAVD88) and its outlet invert elevation is (450.52 NAVD88). The secondary overflow lake's BFE is approximately (450.37 NAVD) which is below the overflow culvert's upstream invert elevation. Stated differently, water from the Secondary Lake h as to flow uphill (hydrostatic pressure flow) to drain into the ditch along Route 29 culvert. Therefore, the secondary lake's water surface elevation does not meet the upstream invert elevation for the overflow culvert (between the secondary overflow lake and the Route 29 culvert) for events up to and possibly including the 100 year recurring event. The table below shows the WSE at Lake Kennedy and the Overflow Lake for the modeled event.

24 Hour Event	Lake Kennedy WSE (NAVD88)	Secondary Overflow Lake WSE (ANVD88)	Notes
Q25	454.21	446.83	Lake Kennedy Overflows to the Secondary Overflow Lake
Q50	454.45	448.76	--
Q100	454.59	450.37	WSE at the Secondary Overflow Lake is below the 18" HDPE overflow culvert upstream invert elevation

C. Additional comments to support AJD: The stream, referred to as "Brentwood Ditch", appears as an intermittent stream on the 2021 USGS map (a short section) but does not flow into the IL River in a typical year. Brentwood Ditch flows around the north side of Lake Whitehurst then flows into Lake Kennedy. During 10-25 year recurring storm events Lake Kennedy spills into the Unnamed Lake. The Unnamed Lake discharges into the IL River during 100 year recurr ing storm events through a perched box culvert located under Route 29/A. Therefore, the intermittent stream located in the project area is not jurisdictional because it does not contribute hydrologic surface flow in a typical year to an (a)1 water in a typical year.

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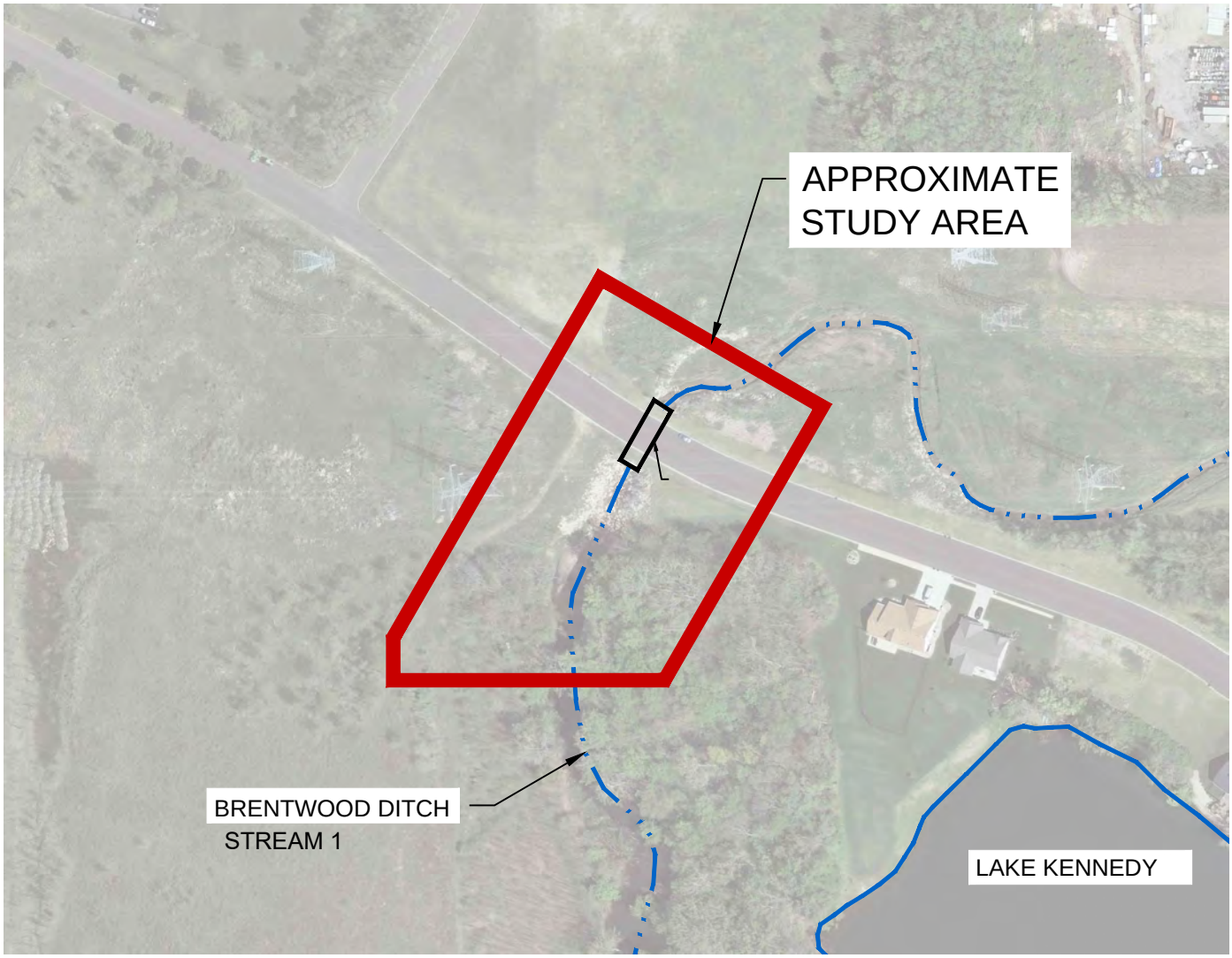

FIGURE ADAPTED FROM MARIS (IMAGERY DATE 2016)

WATER RESOURCES MAP

SCALE: 1" = 200'

N

0' 200' 400'

INTERMITTENT STREAM
(SEASONAL STREAM)

MW
Midwest Engineering
Associates, Inc.

140 E. Washington Street
East Peoria, Illinois 61611
309.222.8600
www.mweainc.com

IL Design Firm Reg. No.
184-005896

FIGURE 6
CITY OF PEKIN
LAKE KENNEDY TRASH & DEBRIS REDUCTION
TAZEWELL COUNTY, ILLINOIS

Drawn :	NJG	10/16/2020
Checked:	NHP	10/16/2020
Approved:		

PROJECT NUMBER 20200139

FIGURE NUMBER 6.0

Flow Path Map