



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): 28-MAY-2021

ORM Number: MVR-2020-01458-WF

Associated JDs: N/A

Review Area Location¹:

State/Territory: IL City: Pekin County: Tazewell

Center Coordinates of Review Area: Latitude 40.569732 Longitude -89.614115

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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020-1458 Ephem 1	947 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream indicators missing from USGS maps (blue line) and National Wetland Inventory. The water listed did not hold water at the same time the intermittent feature down hill did hold water. No defined/established bed and bank present on ephemeral feature.
2020-1458 Ephem 2	1675 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream indicators missing from USGS maps (blue line) and National Wetland Inventory. The water listed did not hold water at the same time the intermittent feature down hill did hold water. No defined/established bed and bank present on ephemeral feature.
2020-1458 Ephem 3	1062 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream indicators missing from USGS maps (blue line) and National Wetland Inventory. The water listed did not hold water at the same time the intermittent feature down hill did hold water. No defined/established bed and bank present on ephemeral feature.
2020-1458 Ephem 4	868 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream indicators missing from USGS maps (blue line) and National Wetland Inventory. The water listed did not hold water at the same time the intermittent feature down hill did hold water. No defined/established bed and bank present on ephemeral feature.
2020-1458 Intermit Feature	740 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 feature has an established bed and bank and the channel pre-dates the conversion of the resource to a grassed waterway in the 70's. The channel has reestablished since maintenance of the grassed waterway ceased. This stretch indicates a slightly larger watershed, flatter bank, and less disturbance relative to upstream, applicant mentioned there was a small trickle of water on September 25 th , 2020 and onsite consultant photos show flow during site visit. However, tributary loses flow downstream before it 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 and a consultant: *Mr. Lippi supplied information with original AJD submittal received Oct 13, 2020. Midwest Engineering, an environmental consultant working for the City of Pekin supplied the Corps with "Wetland*

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Delineation for Broadmoor Heights and Park Ridge Drainage Improvements Project completed October 19th 2018 for the same area.

This information is sufficient for purposes of this AJD.

Rationale: N/A.

Data sheets prepared by the Corps:

☒ Photographs: *(NA, aerial, other, aerial and other) Aerial Photographs were used in Google Earth using these years: 2017, 2014, 2013. Aerial Photos provided by Philip Lippi from 1979. Historic Photographs from 1939 and 1995. Photographs supplied by Philip Lippi onsite Sept 25, 2020. Photographs supplied by Midwest Engineering taken during field visit Oct 11, 2018.*

☐ Corps Site visit(s) conducted on: *Date(s).*

☒ Previous Jurisdictional Determinations (AJDs or PJDs): *This same project (and number) was initially issued an AJD stating that the entire reach was ephemeral however this AJD was rescinded due to new pertinent information coming to light.*

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☐ USDA NRCS Soil Survey: *Title(s) and/or date(s).*

☒ USFWS NWI maps: *NWI provided on Google Earth.*

☒ USGS topographic maps: *USGS Pekin & Marquette Heights 2018; Peoria 1958; Peoria 1927.*

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): 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: N/A or provide additional discussion as appropriate.

The stream which flows from the Broadmoor Heights project site flows under Parkway Avenue into what is referred to as "Brentwood Ditch" which appears as an intermittent stream on the 2021 USGS map (a short section). Brentwood Ditch flows north then goes around the north side of Lake Whitehurst and flows into Lake Kennedy. The stream starts to lose flow before entering Lake Kennedy due to high levels of infiltration in sandy soils. During 10-25 year recurring storm events Lake Kennedy spills into the Unnamed Lake. The Unnamed Lake discharges into the IL River during 30 year recurring storm events through a perched box culvert located under Route 29.

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Therefore, the surface channel feature (intermittent feature) in the project area is not jurisdictional because it does not contribute hydrologic surface flow in a typical year to an A1, A2 or A3 tributary.

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Broadmoor Heights And Park Ridge Approved Jurisdictional Determination Map



 Intermittent Feature

 Ephemeral Features

Flow Path Map

