



**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): 10/26/2020
 ORM Number: MVS-2015-153
 Associated JDs: JD (Rapanos) – MVS-2015-00153-JD1 – 03/15/2015
 Review Area Location¹: State/Territory: Illinois City: Pontoon Beach County/Parish/Borough: Madison
 Center Coordinates of Review Area: Latitude 38.755 Longitude -90.057

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
- 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 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.



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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
East Ditch	3,967	linear 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).	The East Ditch is not an (a)(1) water and no available resources illustrate a natural channel including USGS topographic maps dating back to 1927 (scale 1:62,500 and historic aerial imagery dating back to 1945. No images or resources illustrate the presence of an (a)(4) water. The linear alignment and lack of available resources showing a natural channel or wetland prior to the ditch suggests it is an artificial ditch constructed prior to 1930 to drain water off the agricultural plain. As such, it was concluded the ditch is not a replacement or relocated (a)(2) water and meets the (b)(5) exclusion.

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: [Delineation](#)

This information **is and is not** sufficient for purposes of this AJD.

Rationale: [Original delineation field efforts were completed in 2015 and re-verified in 2017. An updated plat was provided to illustrate East Ditch within the proposed development \(the review area\).](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Historic Aerials, USDA NAIP Imagery, Google Earth](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [MVS-2015-00153-JD1 \(Rapanos JD\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Madison County, Illinois \(IL119\)](#)
- USFWS NWI maps: [1980's; 1:58,000 scale; Color Infrared Source](#)
- USGS topographic maps: [Wood River, IL Quad; 1:24,000, 1955 \(1975 revision\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS topoView; 1:24,000 Scale/Stream Stats; show 467-acre watershed
USDA Sources	NRCS Web Soil Survey – Madison County (Obtained 10/26/20)
NOAA Sources	N/A.
USACE Sources	District Regulatory Viewer
State/Local/Tribal Sources	IL Height Modernization LiDAR Data
Other Sources	FEMA Floodplain Maps

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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- B. Typical year assessment(s):** Antecedent Precipitation Tool results (10/01/2020): Normal Conditions. Under normal conditions East Ditch contains intermittent flow through the agricultural plain before intersecting Mitchell ditch at the southern end of the review area.
- C. Additional comments to support AJD:** The applicant requested a review of the jurisdiction of the East Ditch within the review area, as illustrated on the preliminary plat provided. The review area is located on NP Gateway Tradeport, LLC property, a tract of land situated south of I-270, west of I-255, and east of Highway 111 in Pontoon Beach, Illinois. The site is currently in the process of being developed into a distribution warehouse complex. The East Ditch was the only water resource evaluated as part of this AJD.