



**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): 11/3/2020
 ORM Number: LRL-2020-810-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IL City: Danville County/Parish/Borough: Vermilion
 Center Coordinates of Review Area: Latitude 40.1405 Longitude -87.6478

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
Stream 1	470 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream exhibits intermittent flow due to the presence of seasonal groundwater. It flows through Wetland 1, an (a)(4) water and then into an (a)(3) pond outside of the review area. It then flows south of Fairchild Street where it appears to flow perennially into North Fork Vermilion River and then Vermilion River, a TNW. Because this portion of Stream 1 contributes intermittent flow to a TNW indirectly through an (a)(3) pond and (a)(2) tributary, it is considered a WOUS.

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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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.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.87	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 1 directly abuts an (a)(3) pond off-site to the south and Stream 1, an (a)(2) tributary. See comments in Section III(C).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 2	195	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream exhibits ephemeral flow in a typical year and diverges into Streams 2a and 2b, also ephemeral. It becomes diffuse sheet flow which becomes topographically confined within Wetland 2.
Stream 2a	145	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This is the western diverging channel of ephemeral Stream 2 that becomes diffuse sheet flow within Wetland 2 and does not contribute intermittent or perennial flow to an (a)(1)-(a)(3) water in a typical year.
Stream 2b	160	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This is the eastern diverging channel of ephemeral Stream 2 that becomes diffuse sheet flow north of Wetland 2 and does not contribute intermittent or perennial flow to an (a)(1)-(a)(3) water in a typical year.
Wetland 2	0.81	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year. It is in a topographically confined area on the landscape.

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 and Waterway Delineation" dated 4/22/2020 by Little River Consultants

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: 3/21/19 site photos, 2005, 2013, 2017 aerials (See delineation report); 1940 (ILHAP)

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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- 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: [Web Soil Survey, Vermilion County \(see delineation report\)](#)
- USFWS NWI maps: [Digital NWI map \(see delineation report\)](#)
- USGS topographic maps: [7.5' Danville NW \(see delineation report\)](#)

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.
Other USACE data (specify)	LRL Regulatory Viewer LiDAR/DEM
Other state/local data (specify)	Storm sewer location map (City of Danville GIS)
FEMA/FIRM maps	DFIRM (see delineation report)

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: [Wetland 1 directly abuts a pond outside of the review area to the south. The pond appears to have been constructed within a tributary prior to 1940. It contributes flow through a water control structure under Fairchild Street where is outfalls into a tributary to North Fork Vermilion River \(which flows into Vermilion River, a TNW\). Based on numerous available aerials, the tributary \(south of Fairchild Street\) appears to have a defined channel and continuously flows throughout the year. Because the pond contributes flow indirectly to a TNW, it would be considered an \(a\)\(3\) water.](#)