



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60604-1437

March 24, 2021

Operations Division
Regulatory Branch
LRC-2021-00222

SUBJECT: Jurisdictional Determination for the Route 59 and Bartlett Road Site in South Barrington, Cook County, Illinois (Latitude 42.106169, Longitude -88.181692)

John Kazmier
South Barrington Park District
3 Tennis Club Lane
Barrington, Illinois 60010

Dear Mr. Kazmier:

This is in response to your request that the U.S. Army Corps of Engineers complete a jurisdictional determination for the above-referenced site submitted on your behalf by Gary R. Weber Associates, Inc. The subject project has been assigned number LRC-2021-00222. Please reference this number in all future correspondence concerning this project.

Following a review of the information you submitted, this office has determined that there are no waterways, wetlands or other areas considered "waters of the United States" under Corps of Engineers jurisdiction at the site.

Wetlands 1-7 have been determined to be excluded water features, and therefore not subject to Federal regulation. Please be informed that this office does not concur with the boundaries of waters not under the jurisdiction of this office.

For a detailed description of our determination please refer to the enclosed decision document. This determination covers only your project as depicted in the Wetland Delineation Report dated September 11, 2020, prepared by Gary R. Weber Associates, Inc.

This determination is valid for a period of five (5) years from the date of the letter, unless new information warrants revision of the determination before the expiration date or a District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

This letter is considered an approved jurisdictional determination for your subject site. If you object to this determination, you may appeal, according to 33 CFR Part 331. Enclosed you

will find a Notification of Appeal Process (NAP) fact sheet and a Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form to the Great Lakes/Ohio River Division Office at the following address:

Jacob Siegrist
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10-714
Cincinnati, Ohio 45202-3222
Phone: (513) 684-2699 Fax: (513) 684-2460

In order to be accepted, your RFA must be complete, meet the criteria for appeal and be received by the Division Office within sixty (60) days of the date of the NAP. If you concur with the determination in this letter, submittal of the RFA form to the Division office is not necessary.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is your responsibility to obtain any required state, county, or local approvals for impacts to wetland areas not under the Department of the Army jurisdiction. For projects located in unincorporated and unauthorized municipalities in Cook County, please contact the Metropolitan Water Reclamation District of Greater Chicago at (312) 751-3247. For projects in incorporated areas of Cook County, contact the authorized municipality for information related to the Watershed Management Ordinance.

Pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, including wetlands. A Department of the Army permit is required for any proposed work involving the discharge of dredged or fill material within the jurisdiction of this office. To initiate the permit process, please submit a joint permit application form along with detailed plans of the proposed work. Information concerning our program, including the application form and an application checklist, can be found at and downloaded from our website:
<http://www.lrc.usace.army.mil/Missions/Regulatory.aspx>

If you have any questions, please contact Mr. Michael J. Machalek of my staff by telephone at (312) 846-5534 or email at Mike.J.Machalek@usace.army.mil.

Sincerely,

Kathleen G. Chernich
Chief, East Section
Regulatory Branch

Enclosures

Copy Furnished w/out Enclosures

Cook County Building and Zoning (Michael Fazio)
Metropolitan Water Reclamation District of Greater Chicago (Dan Feltes)
Gary R. Weber Associates, Inc. (Ellen Raimondi)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: John Kazmier, South Barrington Park District

File Number: LRC-2021-00222

Date: March 24, 2021

Attached is:

See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A. INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit or a Letter of Permission (LOP), you may sign the permit document and return it to the district commander for final authorization. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district commander. Your objections must be received by the district commander within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district commander will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district commander will send you a proffered permit for your reconsideration, as indicated in Section B below.

B. PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit or a Letter of Permission (LOP), you may sign the permit document and return it to the district commander for final authorization. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division commander. This form must be received by the division commander within 60 days of the date of this notice.

C. PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division commander. This form must be received by the division commander within 60 days of the date of this notice.

D. APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division commander. This form must be received by the division commander within 60 days of the date of this notice.

E. PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Regulatory Branch
Chicago District Corps of Engineers
231 South LaSalle Street, Suite 1500
Chicago, IL 60604-1437
Phone: (312) 846-5530
Fax: (312) 353-4110

If you only have questions regarding the appeal process you may also contact:

Jacob Siegrist
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, Ohio 45202-3222
Phone: (513) 684-2699 Fax: (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Commanders personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: