STORMWATER MANAGEMENT COMMISSION

REGULATORY GUIDANCE MEMORANDUM #2022-01

April 12, 2022

To: Lake County Certified Wetland Specialists (CWS) and Other Interested Parties
From: Brian Frank, Chief Engineer, Lake County Stormwater Management Commission (SMC)
Subject: REVISED SMC Guidance for Agricultural Land Wetland Determinations ("Farmed Wetlands") in Lake County, Illinois

This guidance memorandum supersedes all previous guidance memoranda issued by the SMC for agricultural land wetland determinations in Lake County, Illinois.

For wetland permitting on development sites in Lake County, Illinois, (and in collar communities in adjacent counties under SMC's permitting authority) that contain agricultural land[1], an agricultural land wetland determination shall be performed by or under the supervision of a Lake County Certified Wetland Specialist (CWS) to determine the presence and extent of *farmed wetlands*[2]. The determination shall be performed within three (3) years of the initial Watershed Development Permit (WDP) application date, in accordance with the wetland delineation provisions of the Lake County Watershed Development Ordinance (WDO, as amended). The agricultural land wetland determination shall be performed following standard USDA-Natural Resources Conservation Service (NRCS) procedures and the guidance provided below.

A. STEP 1 – OFFICE REVIEW OF AERIAL IMAGERY AND REFERENCE MAPS

The NRCS procedures require a review of various inventories to identify wetland signatures[3] on a development site, including but not limited to the U.S. Fish & Wildlife Service's National Wetland Inventory (NWI) maps and a *minimum* of five (5) years of aerial imagery for designated years with approximate "normal precipitation" during the early growing season period (April-June), based on long-term precipitation averages.

If wetland signatures are identified in 3 or more of the 5 normal precipitation years of aerial imagery reviewed (>50%), the area is a *potential* farmed wetland, subject to field confirmation (see Step 2). Designation of an area as a wetland/farmed wetland on the NWI map or the Lake County Wetland Inventory (LCWI) map also constitutes one (1) year of wetland signature. The online NWI maps can be viewed at https://www.fws.gov/wetlands/data/Mapper.html, and the online LCWI maps can be viewed at https://maps.lakecountyil.gov/mapsonline/). Note that the size of an area is not a part of the wetland criteria—the field investigation (Step 2) may revise the determination to add small farmed wetland areas missed in the office review step.

Use the Lake County on-line maps (https://maps.lakecountyil.gov/mapsonline/) to determine which climate station location listed on **Table 1** is closest to your development site, then follow the guidance for the designated years of FSA aerial slide imagery (or SMC-designated alternate aerial imagery) to be reviewed. Digital copies of FSA aerial slide imagery can be obtained from the McHenry-Lake Soil & Water Conservation District at https://www.mchenryswcd.org/ (click on: Forms & Publications>Farm Service Agency (FSA) Farmed Wetland Compliance Request Form).

1 For the purposes of this guidance, *Agricultural Land* includes cropland, pasture land, orchards, vineyards, and nurseries, confined feeding operations and equestrian facilities (Lake County Planning, Building & Development, Land Use Designations, online mapping most recent version).

2 Per WDO Appendix A: *Farmed Wetlands* are wetlands that are farmed currently, or have been farmed within five (5) years previous to the permit application date, as defined in 7 CFR Part 12 (61 FR 47025).

3 *Wetland Signatures* are indications left in the field, recorded by photograph, of ponding, flooding or impacts of saturation for sufficient duration that meets wetland hydrology and possibly wetland vegetation criteria (Wetland Mapping Conventions NRCS Illinois 1998).

Table 1. Climate Station Locations and Associated Aerial Imagery for Farmed Wetland Determinations.

		CLIMATE STATION LOCATION		
		ANTIOCH	**BARRINGTON**	**HIGHLAND PARK**
Climate Station:		IL0203	IL0442	IL1497
Location:		Lat: 42.480496 Long. -88.100366	Lat: 42.113885 Long. -88.163229	Lat: 42.151981 Long. -87.787139
Aerials:*				
Normal, Primary	**Google Earth**	2016 (flight date 6-26-16)	2016 (flight date 6-26-16)	2016 (flight date 6-26-16)
	FSA	2012, 2007, 2006 & 2003	2008, 2006, 2004 & 2003	2012, 2004, 2003 & 2002
Normal, Secondary	**FSA**	2002, then 2001	2002, then 2001	2001, then 1997
Wet, Primary	**FSA**	2014	2014	2014
Wet, Secondary	**FSA**	2011	2011	2011

* Recommended Process: Review the "Wet" indicator imagery to help identify wetland signatures. Then review aerial imagery for the indicated five years of approximate normal precipitation (minimum). If any primary year FSA imagery is not available or has poor resolution, defer to the secondary years, in order.

B. STEP 2 – FIELD INVESTIGATION

Locate a minimum of one (1) field data point in each potential farmed wetland area within the development site limits to determine if hydric soil is present (use the current version of *Field Indicators of Hydric Soils in the United States, NRCS* for this determination). The field data point(s) are to be "representative" of the potential farmed wetland area, meaning the points should be located clearly within the boundary of the mapped wetland signature, not along the upper edge of the signature. Record data on the standard *Wetland Determination Data Form* included in the current version of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region* (or *Northcentral-Northeast Region* manual, as applicable). **If any hydric soil indicator(s) occur in the representative data point or if representative data point meets the definition of a hydric soil, the area is confirmed as a farmed wetland.** As previously noted, the field investigation may result in mapping additional small farmed wetlands missed by the office review (Step 1).

C. STEP 3 – REPORTING

A *Farmed Wetland Determination Report* shall be prepared that includes the following information, at a minimum:

i. A location map with the development site boundaries outlined, scaled to show nearby major crossroads;
ii. A summary table of wetland signature(s) identified, based on review of the aerial imagery, NWI map, and LCWI map (see example Summary Table on page 3);
iii. A color copy of each year of aerial imagery reviewed with the approximate boundaries of that year's wetland signature(s) delineated;
iv. A recent aerial photograph exhibit (scale: 1"=400' or larger) showing the approximate boundary and estimated acreage of each confirmed farmed wetland, along with locations of field data points. Note: the approximate boundary of each farmed wetland should be the average of all its wetland signature polygons. If farmed wetland boundaries extend off-site, show the approximate boundaries within 100' of the development site limits;
v. Copies of field data point forms;
vi. Copies of reference maps reviewed: NWI, LCWI, NRCS Soil Survey, and Topographic Wetness Index (GIS layer available on Lake County online maps under Drainage menu at https://maps.lakecountyil.gov/mapsonline/) with development site boundaries outlined; and
vii. An Antecedent Precipitation Tool (APT) graphic printout (or table) showing 30-year-average conditions of site for field investigation date(s) – APT can be downloaded at https://www.epa.gov/wotus/antecedent-precipitation-tool-apt.

If you have any questions concerning this guidance, please contact SMC's wetland specialists:
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Agricultural Land Wetland Determination Example Summary Table

Site Name:		**Date:**	
Location:		**Prepared by:**	
		CWS #:	

Imagery Date	**Source[1]**	**Annual Precipitation Condition[2]**	**Wetland Signature Assessment[3]**				
			1	**2**	**3**	**4**	**5**
	Number of Normal Years:						
	ID on NWI or LCWI (Y/N) [4]						
	Potential FW						
	Field-Verified Hydric Soil[5] (Y/N)						
	Qualifies as FW?[6]						

1 i.e., FSA imagery or Google Earth imagery; attach color copies with annual wetland signature marked and labeled consistent with that year's wetland signature assessment.
2 i.e., Wet Year or Normal Year
3 The number of signatures is typically based on the two wet years; however, additional signatures may occur upon review of normal year aerial source data. Expand table as needed.
4 Designation of an area as a wetland/farmed wetland on the NWI map or the LCWI map constitutes one (1) year of wetland signature.
5 Attach copies of field data point forms and Antecedent Precipitation Tool graph/table for field investigation sampling date.
6 The averaged size for each qualifying signature should be plotted on a recent aerial image (scale: 1"=400' or larger) for the Agricultural Land Wetland Determination exhibit.