

2015 IWLC Exclusions

Enforcement Officer 2015 Workshop

October 28, 2015 &
November 3, 2015



All waters such as lakes, ponds, streams (including intermittent streams), farmed wetlands, and wetlands that are not under US Army Corps of Engineers Jurisdiction.

Isolated Waters of Lake County

WDO DEFINITION



STORMWATER MANAGEMENT COMMISSION

October 28 and November 3, 2015

“The following are excluded from IWLC, as determined by the Enforcement Officer:”

Isolated Waters of Lake County

WDO APPENDIX A



STORMWATER MANAGEMENT COMMISSION

October 28 and November 3, 2015

IWLC based on PJD or JD



NOT IWLC after Exclusion Determination



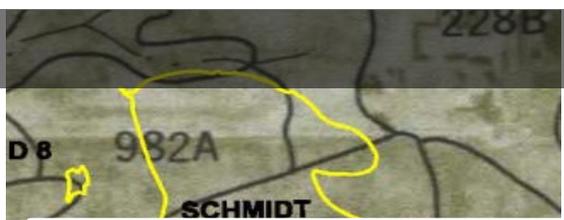
Permitted Excavation or Impoundment (A.1.)



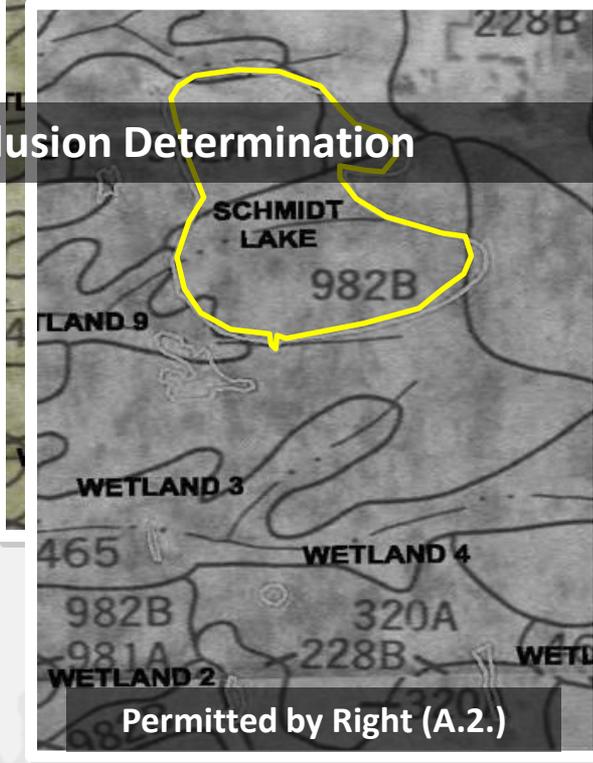
STORMWATER MANAGEMENT COMMISSION

October 28 and November 3, 2015

IWLC based on PJD or JD



NOT IWLC after Exclusion Determination



982—Aptakasic and
Nappanee silt loams
(non-hydric)

Permitted by Right (A.2.)

- Prior to being a regulated activity
- >40% non-hydric soils



IWLC based on PJD or JD



NOT IWLC after Exclusion Determination



Incidental to Construction Grading (A.3.)



LAKE COUNTY
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IWLC based on PJD or JD



NOT IWLC after Exclusion Determination



Roadside Ditch (A.4.)



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IWLC based on PJD or JD



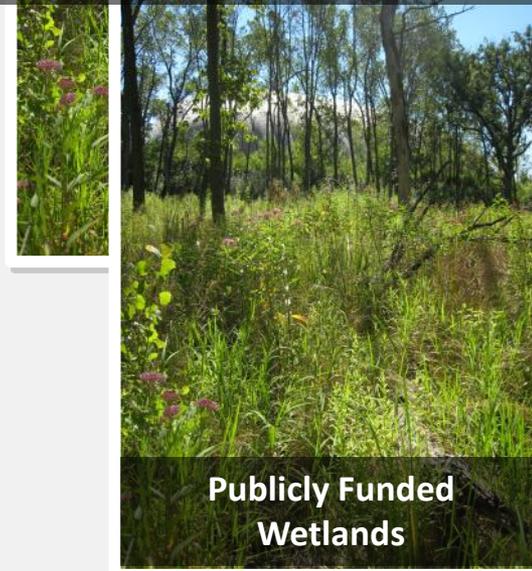
IWLC after Exclusion Determination



HQARs



Wetland Mitigation Areas



Publicly Funded Wetlands

The following shall **not** be considered as meeting the exclusion criteria.

RESOURCES

- HISTORIC AERIALS**



- SOIL SURVEYS**

SOIL SURVEY Lake County, Illinois



UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
In cooperation with
ILLINOIS AGRICULTURAL EXPERIMENT STATION

- HISTORIC TOPOGRAPHY**



- PREVIOUS WETLAND MAPPING**



- PERMITTED PLANS & DOCUMENTS**



- HISTORIC PHOTOS**



Case Study #1

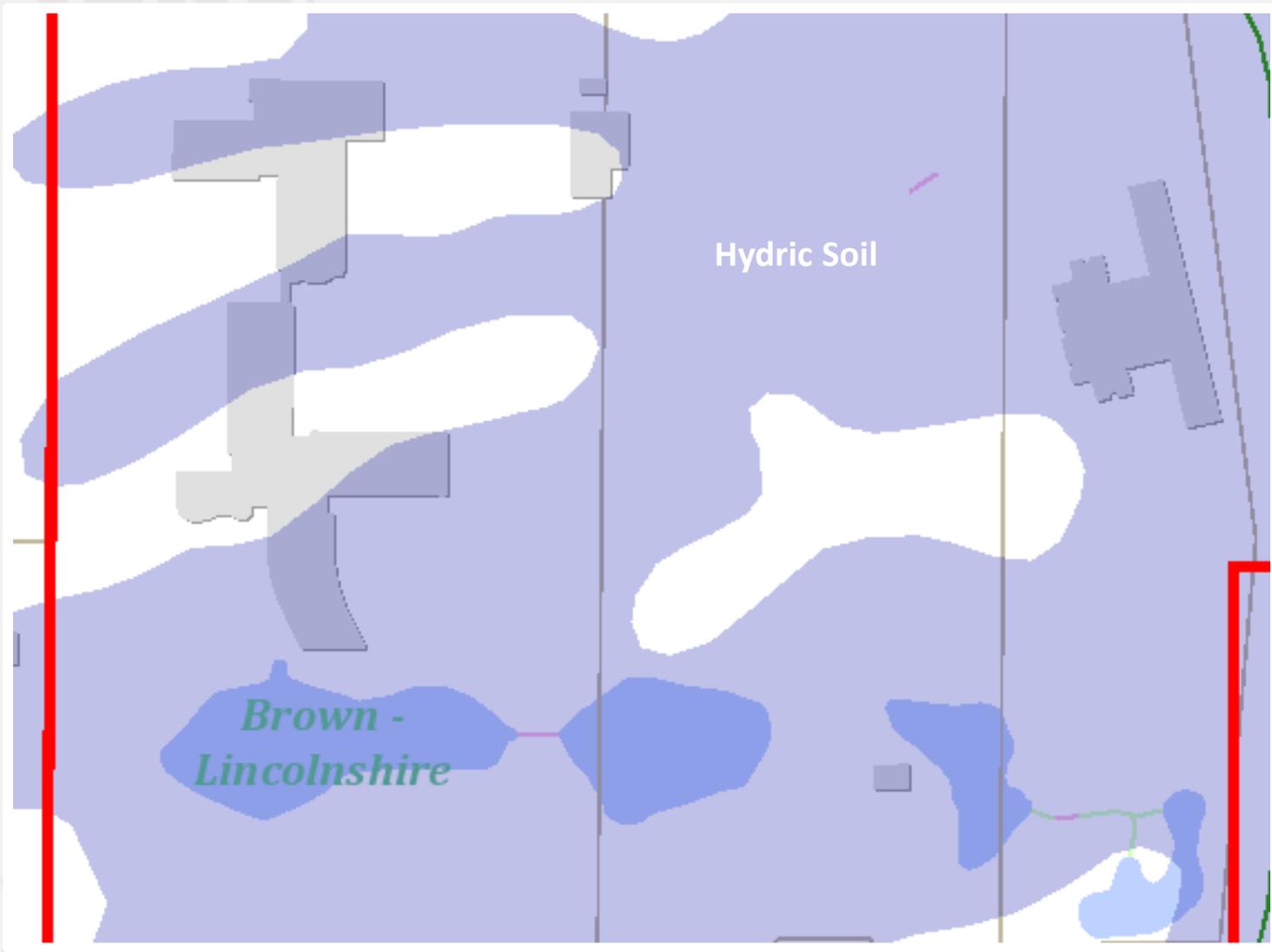


Permitted Excavations and Impoundments



STORMWATER MANAGEMENT COMMISSION

October 28 and November 3, 2015

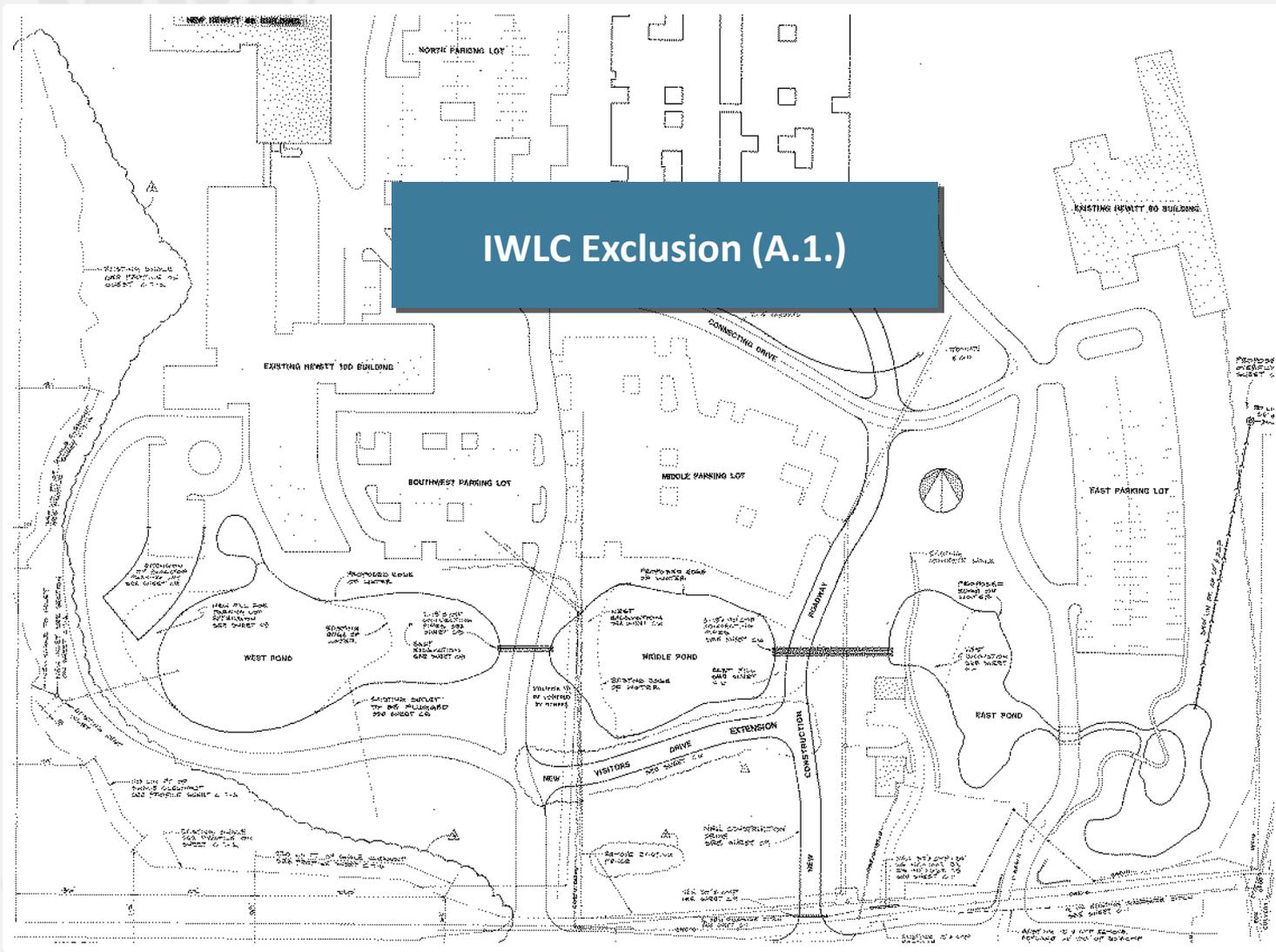


Three ponds excavated in hydric soils. One pond partially excavated in hydric soils.



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IWLC Exclusion (A.1)

Site development plan permitted by the municipality in 1985.



Case Study #2



Excavations and Impoundments Permitted by Right, Prior to being a Regulated Activity



STORMWATER MANAGEMENT COMMISSION

October 28 and November 3, 2015

Permitted By Right?



PROJECT SITE

Wetland 1

LEGEND

Data Point = **DP-1A**

Wetland Boundary = 

Title: Aerial Photo

Site: 19225 W. Washington St.

Source: Google Earth

Wetland 2



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W.Washington St

Hydric Soil

IWLC Exclusion (A.2.)

1974 Aerial

W.Washington St

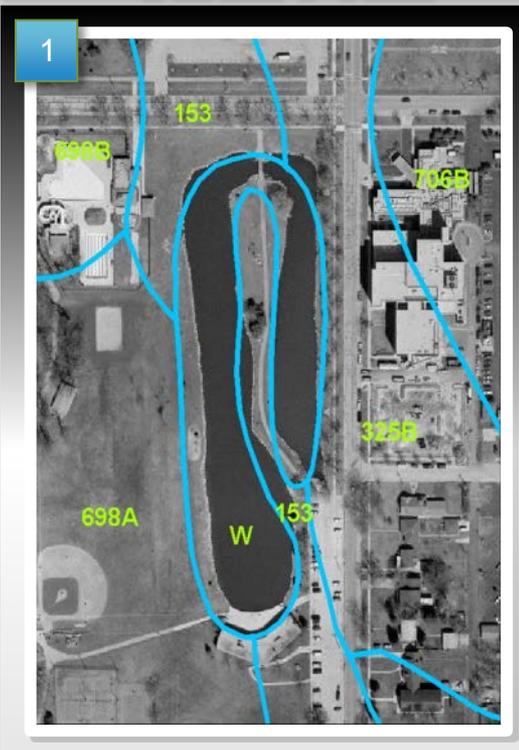
Hydric Soil

1980 Aerial

October 28 and November 3, 2015

Estimating Soil Unit Types by Connecting Soil Unit Boundary across a Water Body (“W”)

Step 1



Step 2



Step 3



In this example, about 30% of “W” area estimated to be non-hydric (i.e., yellow shading).

153—Pella silty clay loam (hydric)
325—Dresden silt loam (not hydric)
698—Grays silt loam (not hydric)

Case Study #3



Incidental to Construction Grading



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Incidental Wetlands?

Wetlands potentially **incidental** to construction grading



LAKE COUNTY
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October 28 and November 3, 2015

IWLC Exclusion (A.3.)

Hydric
Soil

1974 Aerial

Hydric
Soil

1980 Aerial

Case Study #4



Roadside Ditch

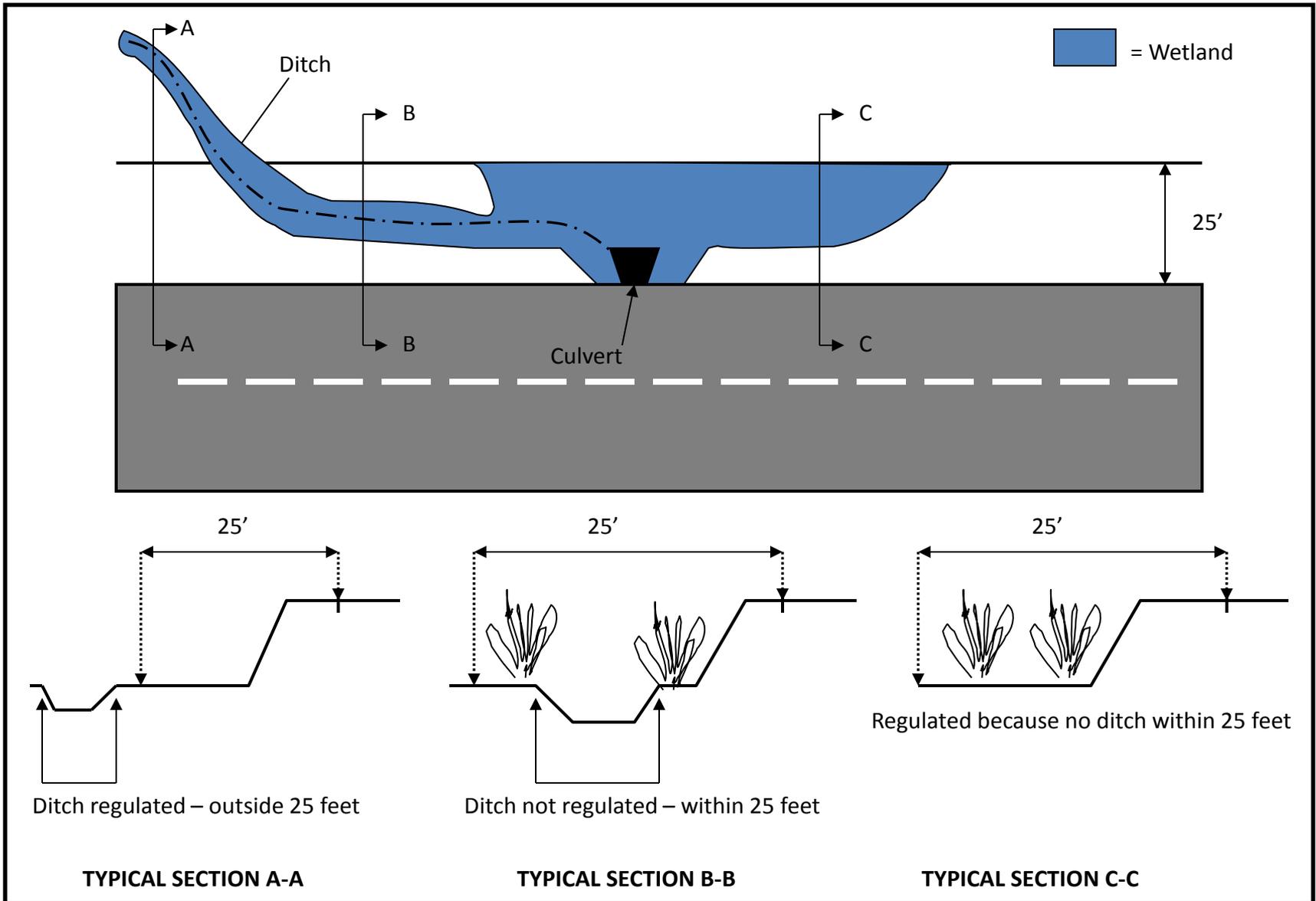
**IWLC Exclusion (A.4.)
(pink area only)**



**Roadside Ditch: Drainage
ditches within 25 feet from the
edge of the outside travel lane.**



Example of Roadside Ditch and Wetland



Isolated Waters of Lake County Exclusion Worksheet

This worksheet may be used to facilitate the determination of exclusion of specific areas from *Isolated Waters of Lake County* (IWLC) regulation under the Lake County Watershed Development Ordinance (WDO) by the Certified Community's Enforcement Officer (or SMC's Chief Engineer for non-certified communities).

By (Name): _____ Date: _____

Phone: _____ E-Mail: _____

1. Property Name/Location: _____

2. Potential Exclusion Area(s): _____

3. Is there a **valid written** Jurisdictional Determination (JD or PJD)? Y / N (circle)

If NO → Stop – a written JD or PJD is needed

If YES → Proceed to Step 4

4. JD or PJD by: SMC / USACE (circle) SMC Permit # (or USACE #): _____

5. Sources Reviewed (e.g., Permit Records, Approved Plans, Historical Aerials, Soil Survey Maps):

Isolated Waters of Lake County (as defined in WDO Appendix A): "All waters such as *lakes*, ponds, streams (including intermittent streams), *farmed wetlands*, and wetlands that are not under U. S. Army Corps of Engineers jurisdiction. The limits of the Isolated Waters of Lake County extend to the *ordinary high water mark* or the delineated *wetland boundary*."

A. The following are excluded from *Isolated Waters of Lake County* (Check applicable):

- (1) Excavations and impoundments that have received a permit from the appropriate jurisdictional authority. Area(s): _____
Permit Issue Date: _____
Permit Issued By: _____
- (2) Excavations and impoundments permitted by right, prior to being a regulated activity, within 40% or more non-hydric soils. Areas designated as 'water' as depicted on the Soil Survey of Lake County (SCS 1970) are determined as either hydric or non-hydric soils by connecting adjoining soil boundaries to create complete polygons of the depicted soil type. (Attach annotated soils map). Area(s) _____
Area(s) a "W"?: Y / N (circle) Non-Hydric Soil %: _____
- (3) Wetlands created incidental to construction grading on development sites.
Area(s): _____

- (4) *Roadside ditches* (as defined in WDO Appendix A). Area(s): _____

B. The following shall **not** be considered as meeting the exclusion criteria in A. above: (Circle if applicable)

- (1) All areas meeting the definition of *high-quality aquatic resources* (HQAR).
(2) Wetland *mitigation* areas created to meet the requirements of the WDO or Section 404 of the Clean Water Act.
(3) Wetland areas created or restored using public funds.

Exclusion Work Sheet

Suggested **template** to help determine if an IWLC may be eligible for exclusion.

Available on SMC's Web Site



QUIZ

Which of the following would **NOT** qualify for an IWLC exclusion?

1. IWLC created incidental to construction grading
2. Excavated pond permitted by right in 25% non-hydric soil
3. Created wetland mitigation site
4. Excavated detention basin permitted by community in 1996
5. Roadside ditch 20' from outside edge of travel lane
6. Wetland determined to be a *water of the U.S.* by a JD

Who is the final authority for IWLC exclusions under the WDO?



QUESTIONS?

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