

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 15, 2021

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2021-01564-KDZ

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin** County/parish/borough: **Juneau** City: **Lyndon Station**
Center coordinates of site (lat/long in degree decimal format): Lat. **43.7044° N**, Long. **-89.8846° W**.
Universal Transverse Mercator: **15**
Name of nearest waterbody: **Unnamed pond/tributary to Lyndon Creek.**

Name of watershed or Hydrologic Unit Code (HUC): **0707000319**

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: **October 21, 2021**
☒ Field Determination. Date(s): **October 19, 2021**

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):¹

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The 7.57-acre review area contains two delineated wetlands identified as Wetland 1 (1.35-acres), Wetland 2 (0.65-acre). Wetland 1 is located in the south portion of the review area and Wetland 2 is located on the north end. Wetland 1 extends south beyond the review area towards a man-made ditch situated along an existing railroad grade. Wetland 2 is an isolated concave depression situated south of a man-made pond, but is separated from the pond by a natural upland hillslope. Based on a review of the National Hydrography Dataset (NHD) the nearest waterway is an unnamed intermittent tributary to Lyndon Creek which outlets at the man-made pond located approximately 125 feet north of Wetland 2. The Wisconsin Wetland Inventory (WWI) shows one large mapped wetland located within the review area and it is entirely surrounded by uplands. The WDNR Surface Water Data Viewer shows the majority of the review area has mapped hydric soils present. On October 19, 2021, the Corps conducted a site visit to assess whether a surface connection was present between Wetland 2 and the man-made pond/unnamed tributary and also whether a surface connection was present between Wetland 1 and the man-made ditch or the man-made pond/unnamed tributary. The outcome of the Corps site visit was there were no surface connections present between both Wetland 1 and Wetland 2 and all nearby surface water features that would provide a hydrologic connection to a downstream RPW or TNW. Based on this information, the Corps has determined that Wetland 1 and Wetland 2 are isolated features with no surface or shallow subsurface hydrologic connection or ecological connection to a RPW or TNW. Neither Wetland 1 or Wetland 2 border, neighbor, nor are contiguous with another water of the U.S. Wetland 1 and Wetland 2 are not separated from other WOUS by man-made dikes, barriers, or berms. Wetland 1 and Wetland 2 do not support a link to interstate or foreign commerce; they are not known to be used by interstate or foreign travelers for recreation or other purposes; They do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and they are not known to be used for industrial purposes by**

¹ Supporting documentation is presented in Section III.F.

industries in interstate commerce. Therefore, the Corps has determined that Wetland 1 and Wetland 2 are not regulated by the Corps under Section 404 of the Clean Water Act.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - ☒ Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- ☐ Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain:
- ☐ Other (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☒ Wetlands: **2.0** acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **June 18, 2018 Heartland Wetland Delineation Report**
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters’ study:
- ☒ U.S. Geological Survey Hydrologic Atlas:
 - ☒ USGS NHD data.
 - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24K Lyndon Station**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Juneau County Soil Survey**
- ☐ National wetlands inventory map(s). Cite name:
- ☒ State/Local wetland inventory map(s): **Wisconsin Wetland Inventory**
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **2020, 2018, 2017, 2015, 2013, 2010 2008, 2006, 2005, 2000, 1994**
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:

- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: