

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): 24 FEB 2023

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2023-00136-CJB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin** County/parish/borough: **Ozaukee** City: **Saukville**

Center coordinates of site (lat/long in degree decimal format): Lat. **43.4056° N**, Long. **-87.9482° W**.

Universal Transverse Mercator: **16N**

Name of nearest waterbody: **Milwaukee River**

Name of watershed or Hydrologic Unit Code (HUC): **Village of Grafton-Milwaukee River (040400030603)**

☒ 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: **16 FEB 2023**

☐ Field Determination. Date(s):

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.

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

☒ Other: (explain, if not covered above): **Based on the 2022 Wetland Delineation Report provided by Kimley-Horn and Associates, Inc., United States Geological Survey (USGS) 2-foot contours, National Wetlands Inventory (NWI), Wisconsin Wetland Inventory (WWI), Natural Resources Conservation Service (NRCS) hydric soil data, and Google Earth aerial photography, the review areas identified on the attached figure labeled 2023-00136-CJB Figure 2 are located entirely in upland and do not contain any waters of the United States. USGS 2-foot contours do not display any depressional features within the review areas. Based on NRCS hydric soil data, the review areas do not contain hydric soils. The NWI, the WWI, and aerial photos do not identify any wetland features within the review areas. Furthermore, aerial photography depicts a lack of wetness signatures within the review areas. Therefore, the review areas identified on the figure labeled 2023-00136-CJB Figure 2 are not subject to Corps jurisdiction under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.**

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: **Delineation report provided by Kimley-Horn and Associates, Inc.**
- ☒ 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 Port Washington West**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Ozaukee County**
- ☒ National wetlands inventory map(s). Cite name: **United States Fish and Wildlife Service NWI**
- ☒ 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): **Aerial photos from delineation report**
 - or ☒ Other (Name & Date): **Ground level site photos from delineation report**
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): **USGS 2-foot contours**

B. ADDITIONAL COMMENTS TO SUPPORT JD: N/A