



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 2/2/2021

ORM Number: MVP-2007-01108-MHK (Wetland A, B, C, D, E)

Associated JDs: N/A

Review Area Location¹: State/Territory: WI City: Milwaukee County/Parish/Borough: Milwaukee

Center Coordinates of Review Area: Latitude 42.94535 Longitude -87.89604

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A Wetland B Wetland C Wetland D Wetland E	0.006 0.01 0.006 0.01 0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A through E are surrounded by upland and do not abut one point or side of an (a)(1)-(3) water. There are no natural or artificial berms, banks, dunes or similar features that are physically separating these wetlands from an (a)(1)-(3) water. Overland sheet flow from surrounding upland flow towards these wetland areas but there are no inlets/outlets that provide a direct surface water connection to an (a)(1)-(3) water. A 1937 aerial photo indicates that a channel was located in the western portion of the Review Area. However, subsequent aerial photos, Milwaukee County GIS, Wisconsin Surface Water Data Viewer, and USGS Topographic map indicate that the channel was relocated and piped underground and is no longer a surface water in the Review Area. According to Milwaukee County GIS, the closest mapped tributary is an unnamed tributary to Wilson Park Creek. This tributary is located 744 feet to the southeast of Wetland D and is 3-4 feet higher in elevation. Based on the long distance and elevation difference between the wetlands and the closest tributary, the surrounding airport development, and the FEMA map showing the wetlands are outside of a mapped floodplain, Wetlands A through E would not be flooded by an (a)(1)-(3) water in a typical year.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: [Crawford, Murphy & Tilly Mitchell International Airport Taxiway A, Wetland Delineation Report dated 10-11-2019](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial and Other: Milwaukee County GIS 1937, 1951, 1956, 1963, 1967, 1970, 1975; 2019 ground level site photos from delineation report.](#)
- ☐ Corps site visit(s) conducted on: [Date\(s\)](#).

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Milwaukee County](#)
- ☒ USFWS NWI maps: [in delineation report](#)
- ☒ USGS topographic maps: [1:24K WI-Greendale](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset in delineation report
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Wisconsin DNR Surface Water Data Viewer; Wisconsin Wetland Inventory; Milwaukee County 1-foot contour map
Other Sources	FEMA map

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)