



**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): 4/9/2021

ORM Number: MVP-2021-00573-JMB

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: WI City: Somerset County/Parish/Borough: St. Croix

Center Coordinates of Review Area: Latitude 45.11489 Longitude -92.68775

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
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.	

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.	

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.	

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

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1	0.56	acre(s)	(b)(1) Non-adjacent wetland.	The subject waters do not meet the definition of “adjacent wetlands”. A review of available resources confirmed the wetlands investigated are located within an enclosed depression that has no surface water connections to intermittent or perennial tributaries. The investigated wetlands are physically removed from the nearest A(1)-A(3) water, and there is no evidence that they are directly abutting an A(1) – A(3) water. The investigated wetlands were determined to be hydrologically isolated and are therefore not regulated by the Corps under Section 404 of the Clean Water Act.
Wetland 2	0.40	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 3	0.13	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 4	0.08	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 5	0.31	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 6	0.26	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 7	0.18	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 8	0.13	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 9	0.06	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 10	0.05	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 11	0.13	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 12	0.02	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 13	1.09	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 14	0.08	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 15	0.08	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 16	0.19	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 17	0.11	acre(s)	(b)(1) Non-adjacent wetland.	
Wetland 18	0.01	acre(s)	(b)(1) Non-adjacent wetland.	

**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.

<sup>4</sup> 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.

<sup>5</sup> 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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- ☒ Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report submitted by applicant, dated 27 August 2018](#)

This information is sufficient for purposes of this AJD.

Rationale: [Delineation Concurrence \(WDNR\)](#) dated 15 October 2018 also added Wetland 17 and 18 to map/project site.

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial and Other: Aerial imagery from Surface Water Data Viewer website](#)
- ☐ Corps site visit(s) conducted on: [Date\(s\)](#).
- ☐ 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: [NRCS Web Soil Survey](#)
- ☒ USFWS NWI maps: [Wetlands Mapper – 06 April 2021](#)
- ☒ USGS topographic maps: [1:24K Somerset](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other information (specify)</a>	<a href="#">LiDAR contours (WG Xtreme website)</a>

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

**C. Additional comments to support AJD:** [Wetland delineation report confirmed that Wetlands 1 through 16 are located within enclosed depressions and are isolated. WDNR staff added two additional wetlands \(#17 and #18\) during wetland delineation report concurrence process; these wetlands are also located within enclosed depressions and are isolated. Wetland 13 does extend offsite to the northwest, but LiDAR contours provided definitive evidence that this and all other wetlands identified within the project site are isolated.](#)