



**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): 1/22/2021

ORM Number: MVP-2020-00962-KME

Associated JDs: MVP-2018-00920-DJM dated 14 September 2018, MVP-2020-00962-JMB dated 22 June 2020

Review Area Location¹: State/Territory: Wisconsin City: Cumberland County/Parish/Borough: Barron

Center Coordinates of Review Area: Latitude 45.52429 Longitude -92.03765

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.	

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.	

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
Wetlands 1 - 7	0.59	acre(s)	(b)(1) Non-adjacent wetland.	The subject waters do not meet the definition of “adjacent wetlands”. Review of available resources confirmed the wetlands are located within enclosed depressions that have no surface water connections to intermittent or perennial tributaries. They are not directly abutting any A(1) – A(3) waters. 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.

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: [Project-related materials submitted by applicant 01 December 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Other: Site photos in the November 2020 Wetland Delineation Report](#)
- ☐ Corps site visit(s) conducted on: [Date\(s\).](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [MVP-2018-00920-DJM dated 14 September 2018 and MVP-2020-00962-JMB dated 22 June 2020](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [NRCS Web Soil Survey](#)
- ☒ USFWS NWI maps: [Wetlands Mapper – 2 December 2020](#)
- ☒ USGS topographic maps: [1:24K Cumberland](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	USDA-NRCS WETS Tables, Field Office Climate Data-WETS Table, 2020 Monthly Precipitation Results, One Week Precipitation, Hydrologic Determination, USDA Natural Resources Conservation Service. NCSS Web Soil Survey
NOAA Sources	Palmer Drought Index

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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Data Source (select)	Name and/or date and other relevant information
USACE Sources	1987 Corps of Engineers Wetlands Delineation Manual, National Wetland Plant List, 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual.
State/Local/Tribal Sources	Wisconsin DNR – Surface Water Data Viewer
Other information (specify)	Historical Aerial Photographs

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

C. Additional comments to support AJD: This is a continuation of the wetlands (W-17, W-18, W20, and W22) identified in the previous AJD described in 2020-00962-JMB dated 22 June 2020 as non-jurisdictional. The drainage pattern along Berdan Street is directed off the roadway and infiltrates or flows naturally away from the right of way. The roadway has a shallow ditch where it is needed to convey stormwater. No culverts were noted to convey water beneath the roadway. A review of the Wisconsin Surface Water Data Viewer confirms that there is not a hydrologic soils connection from these wetland to jurisdictional waters.