



**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): 1/12/2021

ORM Number: MVP-2020-02464-RJH

Associated JDs: MVP-2017-03903-RJH issued on April 05, 2018. Isolated wetland associated with eastern commercial development adjacent to Wetland 1 of the current request.

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

Center Coordinates of Review Area: Latitude 44.076393 Longitude -87.686652

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
- ☐ 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.



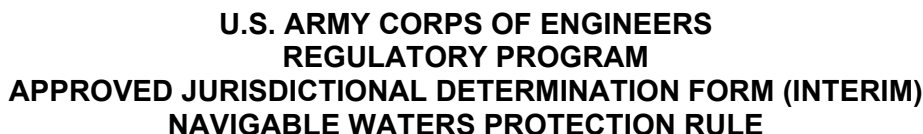
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.12	acre(s)	(b)(1) Non-adjacent wetland.	<p>The review area is a 1.5-acre area that consists of S. 30th Street ROW ditch and a wetland adjacent to the ROW (Wetland 1). The review area has been manipulated for development with roads and municipal stormwater drainage features. The dominate soil series within the review area are Po: Poygan silty clay loam (predominantly hydric) and SyA: Symco silt loam (predominantly non-hydric soil). The 1:24K- Manitowoc Topo indicates an intermittent stream present within the review area, however this feature is not visible on aerial imagery and appears to have been relocated into a stormwater basin west of the review area which drains into the municipal drainage system. Storm drains are located within the ROW but are separated from the wetland areas by uplands. A previous AJD was completed on the wetland area east of Wetland 1, which concluded the area as isolated and not under Corps jurisdiction.</p> <p>Based on the submitted delineation report, review of the aerial photography, onsite photos, and evaluation of the topography and soil maps, we have determined that Wetland 1 is an isolated depression occurring adjacent the ROW of S. 30th Street. The boundaries of the wetland extend west and outside of the review area where the boundary transition into uplands within a residential development and does not abut any tributary. The nearest visible a(1)-a(3) water is an unnamed tributary to Lake Michigan, which is 0.95 miles SW from the review area. An analysis of the elevation profile from the unnamed tributary to Lake Michigan to the review area indicates there is an approximate 20-foot change in elevation. Due to the distance and elevation difference there is no likelihood of these features being flooded in a typical year by an a(1)-a(3) water.</p>
Wetland 2	0.008			
Wetland 3	0.004			

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.



III. SUPPORTING INFORMATION

☒ Information submitted by, or on behalf of, the applicant/consultant: [AJD Request submitted by McMahon Associates, Inc. on 12/15/2020](#)

Rationale: N/A

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

Form Version 10 June 2020 updated



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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

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

C. Additional comments to support AJD: N/A