



**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): 7/13/2021

ORM Number: MVP-2015-04583-SJW

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Wisconsin City: Town of Oneida

County/Parish/Borough: Outagamie

Center Coordinates of Review Area: Latitude 44.470304 Longitude -88.250265

**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  | 0.07           | acre(s) | (b)(1) Non-adjacent wetland. | <p>The review area includes one aquatic resource which is identified as “Wetland 1” on the attached figures labeled MVP-2015-04583-SJW: Page 1 of 2 through 2 of 2. Wetland 1 (0.07 acre) is a hydrologically isolated feature which does not maintain a surface water connection to a downstream (a)(1) water. As shown on the attached figures, the majority of Wetland 1 is situated within the AJD review area. However, a portion of this feature extends approximately 25 feet to the west onto a neighboring property. Lands surrounding the review area are comprised of residential developments to the east, west, and south, and a small forested area to the north. A review of aerial imagery indicates that the delineated limits of Wetland 1 are consistent with a clearly visible wetland signature which can be seen on multiple years of aerial photos. However, the Wisconsin Wetland Inventory Maps do not identify any wetlands within or in close proximity to the review area. The project site is situated in in a Symco silt loam (SyA) soil unit which is described as a hydric soil unit being somewhat poorly drained with a depth to water table of 8-12 inches. The nearest tributary is located approximately 0.25 miles to the south of Wetland 1, and there is no hydrologic connection between these two features. Also, a review of USGS topo maps indicate a 10 foot difference in elevation between the project location and the aforementioned tributary.</p> <p>Based on this information, the Corps has determined that Wetland 1 (b)(1) Non-adjacent wetland which is non-jurisdictional under Section 404 of the Clean Water Act.</p> |

**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: [Site photos and aerial photos submitted in the Wetland Determination Report dated May 27, 2021.](#)

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: [Aerial: Google Earth](#)

☐ 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: [Web Soil Survey](#)

☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

☒ USGS topographic maps: [1:24K WI-Freedom](#)

**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 Sources</a>              | <a href="#">Wisconsin Surface Water Data Viewer</a> |

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

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