



**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): 7/7/2021

ORM Number: MVP-2020-01481-SJW

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Town of Clayton

County/Parish/Borough: Winnebago

Center Coordinates of Review Area: Latitude 44.221616 Longitude -88.530990

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
Wetland 1 Wetland 4 Wetland 5 Wetland 6 Wetland 7	1.22 0.06 0.20 0.42 0.11	acre(s)	(b)(1) Non-adjacent wetland.	<p>The review area includes five delineated aquatic resources which are identified as Wetland 1, 4, 5, 6, and 7 on the attached figure labeled MVP-2020-01481-SJW: Figure 1. Wetland 4, 5, 6, and 7 are located within agricultural fields, while Wetland 1 is situated immediately adjacent to an agricultural field on the edge of a forested area in the northwest portion of the review area. Surface water generally flows in a northeasterly direction through the review area towards a series of unnamed tributaries which eventually outlet into the Fox River. However, none of the wetlands listed above maintain a surface water connection to any of these tributaries.</p> <p>Wetland 1 (1.22 acres) is located in the northwestern portion of the review area. This feature is situated in a Korobago silt loam soil unit which is described as somewhat poorly drained with a depth to water table of 6-12 inches. A review of aerial imagery indicates that Wetland 1 extends beyond the limits of the review area to the west and north. However, no wetlands are shown in this area on the WWI maps, and there are no visible signatures immediately adjacent to Wetland 1 which would suggest that this wetland represents a portion of a larger wetland system, or that it would maintain a hydrologic connection to a downstream tributary. In addition, the nearest tributary is located approximately 0.14 mile East/Southeast of Wetland 1, with upland agricultural field situated between these two aquatic resources. Based on this information, Wetland 1 is a (b)(1) Non-adjacent wetland which is not subject to Corps jurisdiction under Section 404 of the Clean Water Act.</p> <p>Wetland 4 (0.06 acre) is located in the northeastern portion of the review area, in the middle of an agricultural field. This feature is situated within a Manawa silty clay loam soil unit</p>

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				<p>which is described as somewhat poorly drained with a depth to water table of 7 to 24 inches. A review of aerial imagery shows a wet signature consistent with the delineated limits of Wetland 4. This feature is surrounded entirely by uplands, and is therefore hydrologically isolated. This wet signature is not shown on the available WWI mapping, and there are no tributaries which directly abut this wetland feature which would create a hydrologic connection to an (a)(1) or (a)(2) water. The nearest tributary (unnamed) is located approximately 0.03 miles to the north of Wetland 4. Based on this information, Wetland 4 is a (b)(1) Non-adjacent wetland which is not subject to Corps jurisdiction under Section 404 of the Clean Water Act.</p> <p>Wetland 5 is a hydrologically isolated wetland feature located in the middle of an agricultural field in the center portion of the review area. This feature is situated in a Korobago silt loam soil unit which is described as somewhat poorly drained with a depth to water table of 0-12 inches. The delineated limits of Wetland 5 are consistent with the wet signatures which are visible on multiple years of aerial photographs. Wetland 5 appears to be hydrologically isolated, surrounded entirely by upland agricultural field. There is no other evidence to suggest that the limits of Wetland 5 extend beyond the delineated area. This wetland does not directly abut any tributaries, nor does it maintain a hydrologic connection of any type to an (a)(1) or (a)(2) water. Based on this information, Wetland 5 is a (b)(1) Non-adjacent wetland which his not subject to Corps jurisdiction under Section 404 of the Clean Water Act.</p> <p>Wetland 6 is a hydrologically isolated wetland feature which is located in the center of the review area. This feature is situated within two mapped soil units; Hortonville silt loam (well drained, depth to water table more than 80 inches), and Korobago silt loam (somewhat poorly drained, depth to water table 0-12 inches). No wetlands are shown on the WWI maps where Wetland 6 is delineated. However, a review of aerial imagery shows a consistent</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				<p>wet signature within the delineated limits of Wetland 6. The aforementioned wet signature tapers off as it extends to the east where wetland criteria is lost as it transitions to upland. Based on this information, Wetland 6 is a hydrologically isolated wetland feature which does not directly abut any tributaries or maintain a hydrologic connection to an (a)(1) or (a)(2) water. Therefore, Wetland 6 is a (b)(1) Non-adjacent wetland which is not subject to Corps jurisdiction under Section 404 of the Clean Water Act.</p> <p>Wetland 7 is a hydrologically isolated wetland feature located in the southernmost portion of the review area, in the middle of an agricultural field. This wetland feature is situated in a Mosel silt loam soil unit which is described as somewhat poorly drained with a depth to water table of 7-24 inches. Aerial imagery from multiple years indicate that this feature extends to the south, outside of the review area. The delineated limits of Wetland 7 are consistent with the wet signatures observed on aerial imagery, and this feature is surrounded entirely by uplands. Wetland 7 is a hydrologically isolated feature which does not directly abut any tributaries or maintain a hydrologic connection to an (a)(1) or (a)(2) water. Therefore, Wetland 7 is a (b)(1) Non-adjacent wetland which is not subject to Corps jurisdiction under Section 404 of the Clean Water Act.</p> <p>Conclusion: Wetland 1, 4, 5, 6, and 7 are non-jurisdictional, isolated wetland features which are not subject to Corps jurisdiction 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.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Wetland delineation map/request for AJD submitted by Stacey Caplan of McMahon Associates, Inc.](#)

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 Pro](#)



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- ☐ 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: [1:24K WI-Oshkosh NE, USDA Web Soil Survey](#)
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- ☒ USGS topographic maps: [USGS](#)

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	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Wisconsin Wetland Inventory

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

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