

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** February 21, 2019

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** Waupaca Foundry Expansion - Plant 23 East Stormwater Basin, MVP-2019-00328-EMN

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Wisconsin County/parish/borough: Waupaca City: Waupaca  
Center coordinates of site (lat/long in degree decimal format): Lat. 44.35376° N, Long. -89.05257° W.  
Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Waupaca River

Name of watershed or Hydrologic Unit Code (HUC): Wolf River (04030202)

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.  
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- ☒ Office (Desk) Determination. Date: February 11, 2019  
☐ Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):<sup>1</sup>

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **There is one existing stormwater pond within the review area that is approximately 1.5 acres in size as shown on the attached figures (Page 1). The stormwater pond is located within the Plainfield loamy sand soil unit (PFA) which is a well-drained soil with no hydric soil inclusions and has an average depth to water table of 24-60 inches. The USGS Topo map shows the stormwater pond is located in a depressional area in the landscape. A review of historic aerial photos from 1956, 1964, and 1969 do not show the presence of a wetland or any wet signatures at the location of the stormwater pond. The agent for the Waupaca Foundry provided information that the stormwater pond was constructed in 1969 when the foundry was originally constructed. The stormwater pond is visible in the 1969 aerial photo and grading, soil stockpiles, and construction activity are evident. The stormwater pond was expanded in 1978 and has remained the same size and in the same location as it is now. Based upon this information, we have determined the stormwater pond was constructed in dry land and is not a water of the United States. The determination of no jurisdiction is in accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330) and the 2008 Rapanos Guidance.**

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs:** N/A

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):** N/A

**C. SIGNIFICANT NEXUS DETERMINATION:** N/A

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):** N/A

<sup>1</sup> Supporting documentation is presented in Section III.F.

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):** N/A

F. **NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- ☒ Other (explain, if not covered above): **Reference Section II.B.2.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams):      linear feet      width (ft).
- ☐ Lakes/ponds:      acres.
- ☐ Other non-wetland waters:      acres. List type of aquatic resource:      .
- ☐ Wetlands:      acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams):      linear feet,      width (ft).
- ☐ Lakes/ponds:      acres.
- ☐ Other non-wetland waters:      acres. List type of aquatic resource:      .
- ☐ Wetlands:      acres.

#### **SECTION IV: DATA SOURCES.**

A. **SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Bryant Esch - Waupaca Foundry**
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24K WI - Waupaca**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Waupaca County**
- ☐ National wetlands inventory map(s). Cite name:
- ☒ State/Local wetland inventory map(s): **Wisconsin Wetland Inventory**
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:      (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **1956, 1964, 1969, 1981, 1992, 1998, 2005, and 2008.**  
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. **ADDITIONAL COMMENTS TO SUPPORT JD:** Reference attachments for historical aerial photos (with captions) and USGS topographic map.



# Surface Water Data Viewer Map



## Legend

- Municipality
- State Boundaries
- County Boundaries
- Major Roads**
  - Interstate Highway
  - State Highway
  - US Highway
- County and Local Roads**
  - County HWY
  - Local Road
- Railroads
- Tribal Lands
- Index to  
EN\_Image\_Basemap\_Leaf\_  
Off

## Notes

0.3 0 0.13 0.3 Miles

NAD\_1983\_HARN\_Wisconsin\_TM

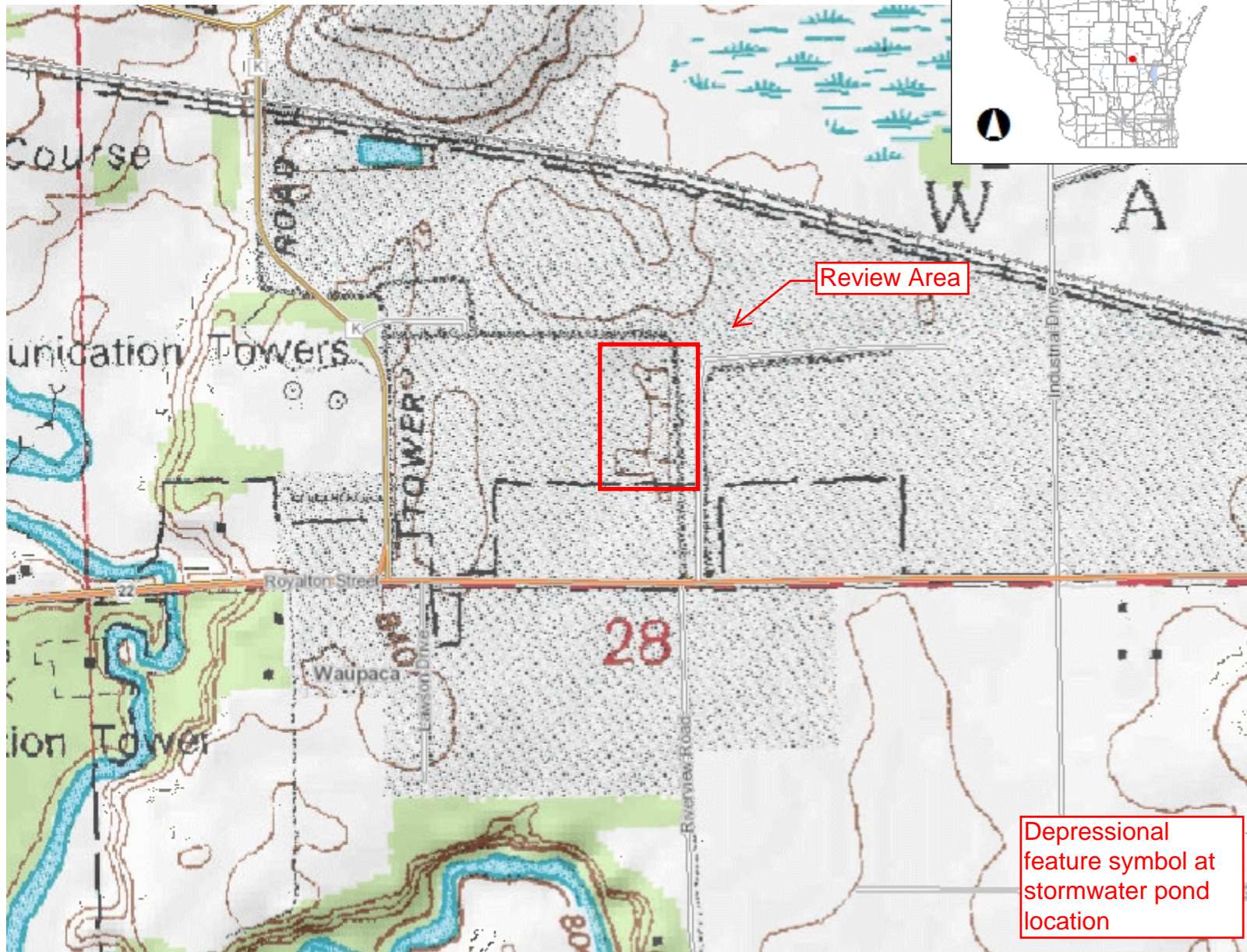
1: 7,920

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- Municipality
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  - Interstate Highway
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  - County HWY
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- Railroads
- Tribal Lands
- 24K USGS Quad Index - Level 7 - 16
- Index to EN\_Image\_Basemap\_Leaf\_Off

## Notes

0.3 0 0.13 0.3 Miles

NAD\_1983\_HARN\_Wisconsin\_TM

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Review Area



Prior to construction of stormwater pond - no wet signatures present within review area

INQUIRY #: 3309575.5

YEAR: 1956

| = 500'







INQUIRY #: 3309575.5

YEAR: 1964

| = 500'



Prior to construction of stormwater pond - no wet signatures present within review area





Review Area



Stormwater pond  
constructed in  
1969 - grading and  
construction  
activities first  
evident on aerial  
photography within  
review area

INQUIRY #: 3309575.5

YEAR: 1969

| = 500'







Review Area



Stormwater pond expanded in 1978 - remains the same size and in the same location through subsequent years

INQUIRY #: 3309575.5  
 YEAR: 1981  
 |—————| = 1000'







Review Area

INQUIRY #: 3309575.5

YEAR: 1992

| = 750'







Review Area

INQUIRY #: 3309575.5

YEAR: 1998

| = 500'







INQUIRY #: 3309575.5

YEAR: 2005

| = 500'







INQUIRY #: 3309575.5

YEAR: 2008

| = 500'

