



**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): 8/3/2021

ORM Number: MVP-2021-01116-SJW

Associated JDs: N/A

Review Area Location¹: State/Territory: WI City: Village of Wrightstown County/Parish/Borough: Brown

Center Coordinates of Review Area: Latitude 44.329937 Longitude -88.187801

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.	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.	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.	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.	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 13	0.06 0.02	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Wetland 1 is best described as a roadside ditch situated in the road right-of-way along the north side of Broadway Street. Given its linear nature and the proximity to the roadway, this ditch was likely created during the construction of Broadway Street. A review of the WWI does not indicate wetlands are present in this area, and this feature is situated in non-hydric soil unit. Further, a review of historic aerial imagery does not suggest that this area was comprised of wetlands prior to the construction of Broadway Street. The wetland delineation report indicates that this feature extends to the east through a culvert into Wetland 13 (discussed later in this AJD). Wetland 13 extends to the northeast approximately 0.25 miles towards a roadside ditch along CTH DDD where the wetland terminates. There are no culverts or other types of features which would create a hydrologic connection to the nearest tributary which is located 0.5 miles to the east of Wetland 1. Based on this information, Wetland 1 is a (b)(5) ditch which was created in uplands during the construction of Broadway Street. This ditch does not maintain a connection to a downstream tributary.
Wetland 2 Wetland 3 Wetland 4 Wetland 5 Wetland 6 Wetland 7 Wetland 8 Wetland 9 Wetland 10 Wetland 11 Wetland 12	0.01 0.02 0.03 0.01 0.03 0.24 0.01 0.02 0.02 0.20 0.07		(b)(1) Non-adjacent wetland.	Wetlands 2, 3, 4, 5, 6, 8, 9, and 10 consist of small, isolated wetland depressions which are situated in the middle of a large agricultural field which is utilized for the production of commodity crops. A review of the WWI indicates that there are no mapped wetlands within the entire review area, or within the delineated limits of these features. In addition, multiple aerial images from 2015-2020 do not show wetland signatures within these areas, and it does not appear that these wetland features extend outside of their delineated limits. The nearest tributary to these features (unnamed) is located approximately 0.35 miles to the west of the review area. USGS topo mapping indicates there is approximately

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>20 feet of elevational difference between these features and the nearest unnamed tributary, with uplands situated between these features. Lastly, none of these features are inundated by flooding from an (a)(1)-(a)(3) water in a typical year. Based on this information, these features are hydrologically isolated wetlands which do not maintain a hydrologic connection to a tributary or any other type of aquatic resource.</p> <p>Wetland 7 is best described as a linear wetland feature which extends to the west outside of the review area towards a single-family residential development situated on an immediately adjacent parcel. A review of the WWI indicates there are no wetlands mapped within the review area, and this feature is situated in a non-hydric soil unit. However, a review of aerial imagery shows a clearly visible feature consistent with the delineated limits of Wetland 7. Given the linear nature of this feature it is likely that this feature was originally created/graded to convey stormwater offsite for agricultural purposes. This area is not farmed, and aerial imagery shows large vegetation/woody species within this feature, especially towards the western side of the feature. A review of the USGS topo mapping does not show an elevational change within this area. However, as previously stated, this feature is clearly visible on aerial imagery. Wetland 7 extends to the west, where it terminates on an adjacent property. There are no culverts or other type of feature which would serve as a hydrologic connection to a downstream tributary or any other type of aquatic resource, and this feature is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.</p> <p>Wetland 11 is an isolated wetland feature situated in the northwesternmost portion of the review area. Wetland 11 extends outside of the review area to the west into a series of linear wetland features which were likely created for agricultural drainage purposes. A review of the WWI indicates there are no mapped wetlands within the review area, and this feature is situated in a non-hydric soil unit. A review of aerial imagery indicates that the linear wetland</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				<p>features which Wetland 11 flows into extend further to the west where they terminate in a roadside ditch on the east side of CTH U. These wetlands do not maintain a hydrologic connection to a downstream tributary or any other type of aquatic resource, and there are no culverts or other types of features which would maintain a hydrologic connection to a downstream tributary.</p> <p>Wetland 12 is a linear wetland feature located in the northernmost portion of the review area. Given its linear nature, Wetland 12 appears to be a historically constructed/graded drainage feature which is located along the northern property line. Wetland 12 extends offsite to the northeast where it terminates in an upland agricultural field. A review of the WWI indicates there are no mapped wetlands within or nearby Wetland 12. However, Wetland 12 is situated in a somewhat poorly drained soil unit (Manawa Silt Loam). A review of the USGS topo mapping does not show an elevational change within this area. However, the nearest tributary, which is located approximately 0.35 mile to the east, is approximately 10 feet lower in elevation than Wetland 12. There are no culverts or other types of features which would serve as a hydrologic connection to a downstream tributary or any other type of aquatic resource.</p> <p>Wetland 13 is best described as a ditch which is partially situated within the road right-of-way along Broadway Street in the southeasternmost portion of the review area. Wetland 13 continues offsite to the northeast, outside of the road right of way towards Wrightstown Road. Based on a review of the wetland delineation report, Wetland 13 is connected to Wetland 1 via a culvert within the roadside ditch along Wrightstown Road. A review of the WWI does not indicate wetlands are present in this area, and this feature is situated in a non-hydric soil unit. Further, a review of historic aerial imagery does not suggest that this area was comprised of wetlands prior to the construction of Broadway Street. As previously discussed in this JD, Wetland 13 extends to the northeast</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				<p>approximately 0.25 miles towards a roadside ditch along CTH DD where the wetland terminates. A review of the WWI indicates there are no mapped wetlands within the delineated limits of Wetland 13. Given its close proximity to Wrightstown Road, this feature has not been farmed and exhibits different vegetation characteristics compared to the immediately adjacent lands which are used for the production of commodity crops. In addition, a review of the USGS topo maps show a significant elevation difference between the nearest tributary. There are no culverts or other types of features which would create a hydrologic connection to the nearest tributary which is located 0.5 miles to the east of Wetland 13. Based on this information, we have determined that Wetland 13 is a (b)(5) ditch which was constructed in uplands during the construction of Wrightstown Road. This feature does not maintain a hydrologic connection to a downstream tributary.</p> <p>Based on the information above, we have determined that Wetlands 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 are (b)(1) Non-adjacent wetlands, and Wetlands 1 and 13 are (b)(5) ditches which are non-Waters of the U.S. and are not subject to Corps jurisdiction under Section 404 of the Clean Water Act, or Section 10 of the Rivers and Harbors 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 Report completed October 26, 2017 by Mach IV Engineering, Surveying, and Environmental.](#)

This information [Select.](#) 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: 2015-2020 SWDV Aerial Photos, Google Earth.](#)

☐ Corps site visit(s) conducted on: [Date\(s\).](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)



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- ☐ 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: [USGS Topo](#)

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, Wisconsin Surface Water Data Viewer

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

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