



**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): 6/22/2020

ORM Number: MVP-2019-00455-MHK (tributary 1, W-1, W-2, W-4)

Associated JDs: MVP-2019-00455-MHK (W-5, W-6)

Review Area Location<sup>1</sup>: State/Territory: Wisconsin City: Pleasant Prairie County/Parish/Borough: Kenosha

Center Coordinates of Review Area: Latitude 42.56459 Longitude -87.940922

**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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**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
Tributary 1	525	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary 1 is an ephemeral stream that flows during storm events into W-2. Portions of this ephemeral stream are contained within culverts and does not contribute surface water flow to an (a)(1)-(3) water.
W-1	0.03	acre	(b)(1) Non-adjacent wetland.	W-1 does not abut at least one point or side of a (a)(1)-(3) water. Based on the U.S. Geological Survey, Kenosha County GIS 1-foot elevation contours, and FEMA map, this wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is no natural berm, bank, dune, or similar natural feature nor an artificial dike, barrier, or similar artificial structure physically separating this wetland from an (a)(1)-(3) water.
W-2	6.40	acres	(b)(1) Non-adjacent wetland.	W-2 does not abut at least one point or side of an (a)(1)-(3) water. Based on the U.S. Geological Survey, Kenosha County GIS 1-foot elevation contours, and FEMA map, this wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is no natural berm, bank, dune, or similar natural feature nor an artificial dike, barrier, or similar artificial structure physically separating this wetland from an (a)(1)-(3) water.
W-4	5.88	acres	(b)(1) Non-adjacent wetland.	W-4 does not abut at least one point or side of an (a)(1)-(3) water. Based on the U.S. Geological Survey, Kenosha County GIS 1-foot elevation contours, and FEMA map, this wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is no natural berm, bank, dune, or similar natural feature nor an artificial dike, barrier, or similar artificial structure physically separating this wetland from an (a)(1)-(3) water.

**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: [OTIE Wetland Delineation Report \(10/15/2018 and revised 8/8 and 9/27/2019\)](#)

This information is sufficient for purposes of this AJD.

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial and Other: 1937, 1963, 1967, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015 and FSA aerials 1981-82, 1984-2004, 2006, 2008, 2010, 2013, 2015, 2017 and ground level photos in delineation report; Google Earth street view](#)
- ☒ Corps site visit(s) conducted on: [July 8, 2013](#)
- ☐ 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: [Kenosha County](#)
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- ☒ USGS topographic maps: [1:24K WI-Pleasant Prairie](#)

**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="#">Wisconsin Wetland Inventory</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">N/A.</a>

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

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