



**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): 4/8/2021

ORM Number: MVP-2021-00293-MWM

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: WI City: Village of Richfield County/Parish/Borough: Washington

Center Coordinates of Review Area: Latitude 43.279495 Longitude -88.199831

**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
- ☐ 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>**

n§ 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.	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.

<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 1 Wetland 2 Wetland 3 Wetland 8 Wetland 9 Wetland 10	0.062 0.046 0.18 0.082 0.004 0.142	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).	Roadside ditches constructed in uplands. Aerial photos from 1937, 1941, 1950, 1963, 1970, 1979-1981, 1983-2002, 2005-2008, 2010, 2011, 2013-2015, 2017, and 2018 show the area as cropland with no wetness signatures until development of roads and a couple of buildings between 2002 and 2005. The boundary of each wetland is confined to the excavation and change of elevation along the roads.
Wetland 6 Wetland 4	0.01 0.015	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands do not abut an a(1)-(3) water and aren't inundated by flooding from an a(1)-(3) water in a typical year. Wetlands are not separated from an a(1)-(3) water by a natural or artificial feature and neither wetlands have direct hydrological surface connection to an a(1)-(3) water in a typical year. No part of the review area is within a floodplain.</p> <p>Wetland 4 is completely surrounded by upland and is within a topographic depression, there is a change of 4 feet in elevation between Wetland 4 and the nearest a(1)-(3) water. The nearest jurisdictional feature is almost approximately 300 feet north and does not have a connection to the wetland. The jurisdictional feature is outside the AJD Review Area. Wetland 4 has no inlet or outlet structure.</p> <p>Wetland 6 continues off site, but transitions to uplands, and connects to a manmade ditch excavated in upland on the east and west side. The ditches are outside of the review area, aerial photos do not show wetness signatures in the area of the ditches before excavation. The ditch is adjacent to Pioneer Road. There are no wetland indicators outside of the ditch on either side of Wetland 6 for at least 70 feet. There are wetland indicators on the east side of the ditch, this does not alter jurisdiction. No portion of the ditch acts as a conveyance to an a(1)-(3) water. The nearest a(1)-(3) water to Wetland 6 is</p>

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			approximately 230 feet SE of the wetland, there is an elevation change of approximately 6 to 7 feet. Wetland 6 has no inlet or outlet structure.

### 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: [Evergreen Consultants, February 16, 2021 and February 17, 2021](#)

This information [is](#) sufficient for purposes of this AJD.

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [N/A](#)
- ☒ Photographs: [Aerial and Other: Aerial photos reviewed: 1937, 1941, 1950, 1963, 1970, 1979-1981, 1983-2002, 2005-2008, 2010, 2011, 2013-2015, 2017, and 2018. Site photos included in the application.](#)
- ☐ Corps site visit(s) conducted on: [N/A](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Custom report, Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84](#)
- ☒ USFWS NWI maps: [Included in the application, USACE accessed March 3, 2021](#)
- ☐ USGS topographic maps: [N/A](#)

**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="#">Palmer Hydrological Drought Index, October 2020 through October 24, 2020.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">Surface Water Data Viewer, Wisconsin Wetland Inventory and Flood Hazard Boundaries layers. Washington County Light Detection and Ranging (LiDAR) Topography</a>
<a href="#">Other Sources</a>	<a href="#">NRCS Hydric Rating Map Topographic map included in application: GeoEye, Maxar, Microsoft</a>

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

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