



**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): 10/28/2020

ORM Number: MVP-2020-01873-SJW

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Town of Pacific County/Parish/Borough: Columbia

Center Coordinates of Review Area: Latitude 43.490007 Longitude -89.414106

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
Pond 1 Pond 2 Conveyance Swale	7.70 9.72 2.22	acre(s)	(b)(12) Waste treatment system.	The review area contains three open water aquatic features which are identified as Pond 1, Pond 2, and Conveyance Swale on the attached figures labeled MVP-2020-01873-SJW: Page 1 of 6 through 3 of 6. The review area consists of active coal combustion residual (CCR) and low-volume plant wastewater settling ponds, water conveyance features, berms, access roads, and other infrastructure associated with the function of the CCRSI facilities. A review of historic aerial imagery indicates that these features were constructed in the 1970's in an area which was comprised entirely of uplands. The majority of the site was historically utilized for agricultural purposes, while the northeastern most portion consisted of woodlands. The 1962 USGS mapping indicates the presence of wetlands immediately north and west of the site, but not immediately within the review area. The entire aquatic system within the Study Area is a closed system with no surface water outlets. The water within the settling ponds is recirculated through the conveyance swale and pumps and does not discharge into any wetlands or tributaries outside of the impounded CCR facility. Based on a review of all available information, including the WWI, Google Earth, USDA Topo Mapping, Historic Aerial Imagery, USGS Mapping, and NRCS Soils Maps, there is no evidence that these structures were constructed in wetlands, or that they maintain a surface connection to a downstream intermittent or perennial tributary. These features were constructed entirely in uplands, and are part of a wastewater treatment feature associated with the CCRSI facility. While the perimeter berms of the review area directly abut wetlands on the north and west side, there are no culverts or other type of feature which would create a hydrologic connection to the nearest downstream tributary, which is located approximately 0.14 miles to the west. Based on this information, the features identified as Pond

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
			1, Pond 2, and Conveyance Swale are considered (b)(12) excluded waters, and therefore not regulated by the Corps under Section 404 of the Clean Water Act.

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: [AJD request/Site Information submitted by consultant on behalf of the applicant on September 28, 2020.](#)

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 and Other: Submitted as part of the supporting documentation submitted on September 28, 2020.](#)
- ☐ 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: [NRCS Web Soil Survey](#)
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- ☐ USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	1962 Map Submitted as part of supporting documentation.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Wisconsin Wetland Inventory
Other Sources	Google Earth

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

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