



**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): 4/9/2021

ORM Number: MVP-2019-01678-JMB

Associated JDs: N/A

Review Area Location¹: State/Territory: WI City: Lake Hallie County/Parish/Borough: Chippewa

Center Coordinates of Review Area: Latitude 44.86171 Longitude -91.41938

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.	

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.	

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	8.7	acre(s)	(b)(1) Non-adjacent wetland.	The subject water does not meet the definition of “adjacent wetlands”. A review of available resources confirmed the wetland investigated has no surface water connections to intermittent or perennial tributaries. The investigated wetland is physically removed from the nearest A(1)-A(3) water, and there is no evidence that it is directly abutting an A(1) – A(3) water. The investigated wetland was determined to be hydrologically isolated and is therefore not regulated by the Corps under Section 404 of the Clean Water Act.
Stormwater Pond	1.0	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This wetland was excavated in upland (as confirmed by the delineation of aquatic resources and historical photos) for the purpose of storm water retention, based on information provided by the applicant. Therefore, the stormwater pond located within the project site is not considered to be waters of the U.S. and is not jurisdictional under Section 404 of the Clean Water Act.
Unmapped tributary	300	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	The waterway enters the site in the southwest portion (from the south). The stream flows west through the wetland to culverts under 122nd Street, which drain north to a large isolated depression along USH 53. Although described as an intermittent waterway in the delineation report, intermittent and perennial losing streams that do not contribute flow directly or indirectly to (a)(1) waters in a typical year are not considered jurisdictional; the unmapped tributary is 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: [Wetland Delineation Confirmation Report submitted by applicant on 24 March 2021](#)

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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This information is sufficient for purposes of this AJD.

Rationale: The purpose of the field review was to confirm whether wetland boundaries remain unchanged since the previous wetland delineation completed in 2015.

- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Aerial and Other: Site photos included in Wetland Delineation Confirmation Report submitted by applicant on 24 March 2021.
- ☐ 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: Wetlands Mapper – 07 April 2021
- ☒ USGS topographic maps: 1:24K - Hallie

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 information (specify)	Chippewa County GIS – LiDAR Contours

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

C. Additional comments to support AJD: Wetland 1 is described as a wetland complex consisting of three wetland types; it was identified within the survey area matching the boundary, location, and wetland types presented in the 2015 wetland delineation report. The investigated wetland is physically removed from the nearest A(1)-A(3) water, and there is no evidence that it is directly abutting an A(1) – A(3) water. Topographic map confirms an upland ridge to the east, and no mapped tributaries to the north, south, or west.

The stormwater pond was constructed in confirmed uplands when Union Trailer and Power Equipment facility was constructed.

The unmapped tributary is physically removed from the nearest A(1)-A(3) water, and there is no evidence that it contributes flow directly or indirectly to (a)(1) water in a typical year. Topographic map confirms an upland ridge to the east, and no mapped tributaries to the north, south, or west.