



**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): 8/23/2021

ORM Number: MVP-2021-00976-SJW

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Oak Creek County/Parish/Borough: Milwaukee

Center Coordinates of Review Area: Latitude 42.860748 Longitude -87.846724

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
W-1	1.18	acre(s)	(b)(1) Non-adjacent wetland.	<p>The review area consists of 15 aquatic resources (W-1, W-2A, W-2B, W-2C, W-6, W-6B, W-7, W-8, W-8A, W-9D, W-10, W-10A, W-10B, W-10C, and W-13) which are identified on the attached figure labeled MVP-2021-00976-SJW: Figure 1. Based on a review of available resources including the Wisconsin Wetland Inventory Mapping, Google Earth Aerial Imagery, USGS Topographic Mapping, the USGS Web Soil Survey, Wisconsin Surface Water Data Viewer, etc., we have determined that the resources listed above are isolated/non-adjacent wetlands which do not meet the definition of “adjacent wetlands”. These features are (b)(1) Non-adjacent wetlands which do not maintain a hydrologic connection to a downstream TNW. These features are not inundated by flooding from an (a)(1)-(a)(3) water in a typical year, nor are they separated from these types of features from a natural or man-made barrier. A review of the Wisconsin Surface Water Data Viewer indicates two unnamed tributaries are situated in close proximity to the review areas. However, neither of these tributaries maintain a hydrologic connection to the aquatic resources identified above. These resources are best described as hydrologically isolated features with boundaries that transition into uplands. A review of the available topographic maps indicate that surface water within the review area generally flows towards these unnamed tributaries. However, none of the aforementioned aquatic resources maintain a hydrologic connection to these tributaries. Further, there are no culverts or other type of feature associated with any of these wetlands which would create a hydrologic connection to a downstream tributary. These wetlands are surrounded entirely by uplands, and are therefore physically removed from the nearest (a)(1)-(a)(3) water.</p> <p>Based on this information, the wetlands</p>
W-2A	0.13			
W-2B	0.10			
W-2C	0.40			
W-6	0.08			
W-6B	0.30			
W-7	0.16			
W-8	0.25			
W-8A	0.12			
W-9D	0.10			
W-10	0.26			
W-10A	0.05			
W-10B	0.02			
W-10C	0.01			
W-13	0.48			

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
			identified above are (b)(1) Non-adjacent wetlands and are 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 titled “Assured Wetland Delineation Report – 107-Acre Property” completed by Heartland Ecological Group. Dated May 14, 2021.](#)

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

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial: Google Earth and Aerial Photos from Wisconsin Surface Water Data Viewer \(SWDV\)](#)
- ☐ 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: [Web Soil Survey](#)
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- ☒ USGS topographic maps: [WI-Racine North](#)

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

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

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