



**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): 1/29/2021

ORM Number: MVP-2015-00048-AJK

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: WI City: Lake Mills County/Parish/Borough: Jefferson

Center Coordinates of Review Area: Latitude 43.07214 Longitude -88.89015

**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.	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
W-1	0.43	acre(s)	(b)(1) Non-adjacent wetland.	<p>Based on review of aerial photos, topographic maps, and hydric soils, W-1 through W-6 on Parcel A are cropped wetlands surrounded by upland. There are no inlets/outlets other than overland sheet flow. The nearest tributary to any of them is Rock Creek, approximately 400 feet west of W-1 and about 6 feet lower in elevation from any of the wetlands (812' to 818').</p> <p>W-11 and W-12 on Parcel B are also non-adjacent wetlands, based on review of aerial photos, topographic maps, and hydric soils. There are no inlets/outlets associated with W-11. W-12 outlets into a ditch, though this ditch is also non-jurisdictional (see below). The nearest tributary to either of these two wetlands is also Rock Creek, approximately 1,100 feet to the west and about 6 feet lower in elevation (812' to 818'). Based on recent aerial photographs, W-12 has been disturbed since the delineation was completed (a road was constructed through a portion of it). However, the wetland is still non-adjacent. There is not a culvert under Brookstone Drive that connects W-12 to another aquatic resource.</p> <p>W-20, W-22, W-23, and W-24 on Parcel C are also non-adjacent wetlands, based on review of aerial photos, topographic maps, and hydric soils. W-20 and W-22 outlet to a ditch that extends outside of the review area; however, the status of the ditch was considered and determined to be non-jurisdictional because most of it was constructed in upland (based on hydric soils and historic aerial photos). There are no inlets/outlets associated with W-23 or W-24 other than overland sheet flow. The nearest tributary to these wetlands is also Rock Creek, approximately 580 feet to the east of W-20 and about 6 feet lower in elevation (812' to 818').</p> <p>Based on the FEMA FIRM maps, all of these</p>
W-2	0.09			
W-3	0.14			
W-6	0.22			
W-11	0.44			
W-12	0.55			
W-20	5.10			
W-22	2.01			
W-23	0.15			
W-24	0.11			

<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	
			wetlands are outside of the flood zone of Rock Creek; therefore, they would not be flooded in a typical year. There are no artificial or natural barriers separating them from an (a)(1)-(a)(3) water.	
W-10 W-13 W-14 W-15	0.05 0.21 0.92 0.08	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).	Based on aerial photographs, site photographs, and topographic maps, these aquatic resources are farm ditches with ephemeral flow that were constructed for localized agricultural runoff. Aerial photos and ground level site photographs do not show intermittent flow, and topographic maps do not map them as flow of any kind. According to Wisconsin Wetland Inventory, National Wetland Inventory, and topographic maps, none of these features relocate a tributary, are constructed in a tributary, or are constructed in an adjacent wetland.

### 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 Report by Strand Associates, December 2014](#)

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 and Other: Aerial photographs \(1996, 2005, 2008, 2011, 2014\) and ground level site photographs from delineation report.](#)

☐ 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: [Jefferson County](#)

☒ USFWS NWI maps: [Jefferson County](#)

☒ USGS topographic maps: [Jefferson County Quadrangles](#)

#### 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 wetland inventory maps</a>	<a href="#">Wisconsin Wetland Inventory</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">National Flood Hazard Zones</a>



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

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