



**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): 12/23/2020

ORM Number: MVP-2016-02491-RJH

Associated JDs: N/A

Review Area Location¹: State/Territory: WI City: Menasha County/Parish/Borough: Calumet

Center Coordinates of Review Area: Latitude 44.2156 Longitude -88.36934

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)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
Wetland 1	0.76	acre(s)	(b)(1) Non-adjacent wetland.	<p>The review area is a 15.16 acre parcel that is primarily used for agricultural production. The southern portion of the review area has been manipulated for development in the form of gravel roads, barrow pond, and equipment storage. The dominate soil series is MbA: Manawa silt loam, which is a predominantly non-hydric soil. South of the review area there is KnB: Kewaunee loam, which is a non-hydric soil series.</p> <p>Based on the submitted delineation report, review of the aerial photography, onsite photos, and evaluation the topography and soils maps, we have determined that Wetland 1 is a series of linear depressional drainage ways that receive overland flow and have developed wetland characteristics due to the flat slope and topography of the site. The feature does not have more than intermittent flow and flows only in response to precipitation events. There is no discernable bed and bank and no identifiable OHWM. Wetland 1 extends north of the review area into a forested area and transitions into the uplands of a residential development. The feature also extends west of the review into an agricultural field and then north of the review area into a forested area and transitions into the forested upland area. Wetland 1 also extends south of the review area and connects into an upland drainage ditch associated with a neighboring suburban development. Based on the soil series (KnB) and topography we have determined that the areas where the ditch is located would not support wetland conditions and were constructed in uplands.</p> <p>The nearest a(1)-a(3) water is an unnamed tributary to Lake Winnebago, which is 520 linear feet from the review area. A review of</p>

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
				the elevation profile from the unnamed tributary to Lake Winnebago indicates there is an approximate 3-foot change in elevation. Due to the distance and elevation difference there is no likelihood of this feature being flooded in a typical year by an a(1)-a(3) water.
Wetland 2	0.03	acre(s)	(b)(1) Non-adjacent wetland.	After reviewing the topography and soils map we have determined that Wetland 2 is an isolated depression whose boundaries transition into uplands within the review area. A review of the elevation profile from the unnamed tributary to Lake Winnebago indicates there is an approximate 3-foot change in elevation. Due to the distance, lack of connectivity, and elevation difference there is no likelihood of this feature being flooded in a typical year by an a(1)-a(3) water.
Wetland 3	0.06			After reviewing the topography and soils map we have determined that Wetland 3 and Wetland 4 are isolated depressions whose boundaries transition into uplands in the adjacent land parcels. There is a pipe connecting Wetland 3 and Wetland 4 but there is no indication of any surface water flow. Wetland 4 connects to connects the same upland ditch that connects to Wetland 1.
Wetland 4	0.09			Based on the soil series (KnB) and evaluation of historic aerial photography we have determined that the ditch was constructed in uplands. Due to the distance to the unnamed tributary to Lake Winnebago and elevation difference there is no likelihood of these features being flooded in a typical year by an a(1)-a(3) water.

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 submitted by Davel Ennineering & Environmental Inc on 11/23/2020](#)

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: Photos submitted in the AJD request](#)



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- ☐ 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: [Title\(s\) and/or date\(s\)](#).
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- ☒ USGS topographic maps: [1:24K- Sherwood](#)

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	N/A.

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

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