



**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): 11/10/2020

ORM Number: MVP-2020-01887-AJK

Associated JDs: MVP-2019-02916-MHK

Review Area Location¹: State/Territory: WI City: Watertown County/Parish/Borough: Jefferson

Center Coordinates of Review Area: Latitude 43.16866 Longitude -88.72090

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
W-10	0.20	acre(s)	(b)(1) Non-adjacent wetland.	W-10 is a small depression in a mowed area, surrounded by upland grassed lawn. Based on aerial photography and topographic maps, this feature would not be flooded by an (a)(1)-(a)(3) water in a typical year. The closest tributary is approximately 1,000 feet to the west and is about 10 feet lower in elevation. There are no natural berms, banks, dunes, or similar natural features physically separating it from an (a)(1)-(a)(3) water, and it is not physically separated from an (a)(1)-(a)(3) water by an artificial dike, barrier, or similar artificial structure.
W-4 W-5 W-6 W-8 W-11 W-12 W-13	0.35 0.13 0.36 0.37 0.27 1.08 0.03	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).	These features are taxiway and runway ditches (W-13 is a roadside ditch) that were constructed in upland to convey localized runoff. Based on aerial photography, ground level site photographs, National Wetland Inventory, Wisconsin Wetland Inventory, and topographic maps, these ditches carry no more than ephemeral flow and do not relocate a tributary, are not constructed in a tributary, and are not constructed in an adjacent wetland. The 1959 and 1971 topographic maps show a mapped tributary flowing north through the current airport footprint. This tributary has been heavily disturbed due to airport runway construction; however, W-6 and W-8 were not constructed in the tributary nor do they relocate the tributary, as it was culverted under the runway from W-7 to W-9 (W-7 and W-9 are not included in this AJD).

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 MSA Professional Services, Inc. June 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

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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- ☒ Photographs: [Aerial and Other: Google Earth aerial photographs \(1996-2018\), satellite images from delineation report \(1983-2017\), 1937 satellite image from Wisconsin State Cartographer's Office, 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: [June 20, 2020](#)
- ☒ USGS topographic maps: [1959 and 1971 Jefferson County 5-ft contours from USGS Historical Topographic Map Explorer](#)

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 wetland inventory maps	Wisconsin Wetland Inventory
Other Sources	N/A.

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

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