



**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): 2/23/2021

ORM Number: MVP-2020-02501-MMG

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Johnson Creek County/Parish/Borough: Jefferson

Center Coordinates of Review Area: Latitude 43.075781 Longitude -88.766399

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	1	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not abut at least one point or side of a (a)(1)-(3) water. There is no natural berm, bank, dune, or similar artificial structure physically separating this wetland from an (a)(1)-(3) water. Wetland 1 is wholly contained within the review area. A full delineation report was not completed for the site, however, a wetland determination by the Wisconsin Department of Natural Resources along with desktop resources including Jefferson County GIS interactive map, Google Earth Street view and the Wisconsin Wetland Inventory (WWI) were sufficient to make this determination. The nearest mapped water is a tributary to Johnson Creek, approximately 0.21 miles to the south on the other side of Milwaukee Street and runs parallel to STH 26. This tributary is at an elevation of approximately 800' at the nearest point to the review area and is within a wetland complex where it originates. Aerial imagery shows a roadside ditch along STH 26 being cut through this complex and continuing north on both sides of STH 26. Google Earth photos indicate that the ditch system north of the mapped wetland complex where the mapped tributary originates, is not jurisdictional as it does not have sufficient flow to be considered an (a)(1)-(a)(2) water. This ditch system then connects to W-1 via culverts at the intersection of STH 26 and Milwaukee Street. This ditch system also connects to W-1 to another isolated mapped wetland on WWI across Milwaukee Street to the south of the review area. Aerial imagery and the Jefferson County Contour Map confirms this wetland to be isolated as it is located within the 806' elevation contour and only has a connection to a non-jurisdictional roadside ditch system (it does not have sufficient flow to be considered an (a)(1)-(a)(2) water). Street view photos and the Wisconsin DNR report indicate the 810' elevation depression to be the boundary of W-1. Despite W-1 connectivity to roadside ditches, based on the

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
			WI DNR wetland determination report, U.S. Geological Survey, Jefferson County GIS 2-foot elevation contours and the National Flood Hazard Layer map showing the distance (0.21 miles) and elevation difference (10 feet) between Wetland 1 and the tributary to Johnson Creek, this wetland is a depression and would not be flooded by an (a)(1)-(3) water in a typical year.

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 Determination by Wisconsin Department of Natural Resources dated November 18, 2020 \(WIC-SC-2020-28-03548\)](#)

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: Ground level photos in application, Google Earth Streetview, Historic Aerial Imagery: 1996, 2000, 2005, 2010, 2013](#)

☐ 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: [Title\(s\) and/or date\(s\)](#).

☒ USGS topographic maps: [1:24K WI-Jefferson](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Wisconsin Wetland Inventory
Other Sources	Google Earth, Jefferson County GIS Interactive map, National Flood Hazard

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

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