



**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): 4/30/2021

ORM Number: MVP-2021-00351-RJH

Associated JDs: N/A

Review Area Location¹: State/Territory: WI City: Village of Harrison County/Parish/Borough: Calumet

Center Coordinates of Review Area: Latitude 44.216064 Longitude -88.320599

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.	

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
Aquatic Feature 8	0.447	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Based on the submitted delineation report, review of soil data, and aerial photography, we have determined that Aquatic Feature 8 is an artificial pond and was constructed around the year 1983. After a review of historic aerial photography from the years 1938-Present, we have determined that the area, in which the pond was constructed, lacked sufficient hydrology to support wetland conditions and was constructed in uplands. Aquatic Feature 8 does not impound a jurisdictional water and connects to Wetland 3, a (b)(1) Non- adjacent wetland.
Wetland 1	1.69	acre(s)	(b)(1) Non-adjacent wetland.	Based on aerial photography, photos submitted in the wetland delineation report, and the topography around Wetlands 4, 5, & 6, we have determined that these wetlands are isolated depressions whose boundaries do not extend outside the review area and transitioned into uplands within the surrounding area. Wetlands 3 and 1 are also depressions, however Wetland 3 connects to Aquatic Feature 8, a (b)(8) exclusion. Wetland 1's boundaries extend into the road ditch along Hwy 10. Based on the review of aerial photography, we have determined this portion of the road ditch was constructed in uplands and wetlands formed in the toe slope of Hwy 10 ROW. There are no culverts connecting Wetland 1 to any other aquatic resources. Wetlands 1,3,4,5, & 6 do not abut an a(1)-a(3) water and is not separated from one by any man-made or natural feature. The nearest mapped tributary is 1,475 feet south of the Wetland 1 with an elevation difference of approximately 28 ft. eliminating the likelihood of these features being flooded in a typical year by an (a)1-a(3) water.
Wetland 3	0.207			
Wetland 4	0.122			
Wetland 5	0.071			
Wetland 6	0.047			

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
Wetland 2	0.234	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 the submitted delineation report and aerial photography, we have determined that Wetland 2 and Wetland 1b are ditches constructed in uplands. A portion of Wetland 2 runs parallel to County Hwy N and developed at the toe of the roadway slope with no indications of past wetland history. The other portion of Wetland 2 is oriented SW/NE and was constructed to drain uplands into the County Hwy N road ditch. Review of aerial photography indicate this portion of Wetland 2 was constructed in 2001. Wetland 1b is confined to the toe slope area of Hwy 10 with no indicators of past wetland history.
Wetland 1b	0.16			<p>After a review of historic aerial photography from the years 1938-Present, we have determined that the areas, in which the Wetland 2 and Wetland 1b were constructed, lacked sufficient hydrology to support wetland conditions and were constructed in uplands. The soil series (MbA) is a predominantly upland soil series and the topography of these resources locations would not support hydric inclusion.</p> <p>Wetland 2's north/ south portion boundaries transitions into upland areas within the review area and is confined to the toe slope of County Hwy N. The SW/NE portion of Wetland 2 boundaries transitions extends into Wetland 2a, a (b)(1) Non-adjacent wetland.</p> <p>Wetland 1b's boundaries extend west into another wetland that connects to a tributary of Lake Winnebago and the east boundary transitions into upland within the ROW of Hwy10.</p>
Wetland 2a	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Based on aerial photography, photos submitted in the wetland delineation report, and the topography around Wetland 2a, we have determined that this wetland is a depression most likely created by the excavation of upland soils for residential construction. A review of the aerial photography outside of the review indicates that the area north of Wetland 2b does not support wetland conditions, lacks wet soil indicators, and the elevation is higher than Wetland 2a. We have determined that the



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			<p>northern boundaries of this feature transition into uplands outside of the review area, while the southern boundaries connect into Wetland 2, a (b)(1) exclusion.</p> <p>Wetlands 2a does not abut an a(1)-a(3) water and is not separated from one by any man-made or natural feature. The nearest mapped tributary is 0.5 mile south with an elevation difference of approximately 38 ft. eliminating the likelihood of this feature being flooded in a typical year by an (a)1-a(3) water.</p>

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 Engineering on 2/23/2021.](#)

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 and Other: Photos submitted in the AJD request. Calumet 1938 historic aerial](#)
- ☐ 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](#)