



**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): 5/14/2021

ORM Number: 2021-00485-JLK

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Green Bay County/Parish/Borough: Brown

Center Coordinates of Review Area: Latitude 44.528693 Longitude -87.972367

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 2	0.09	acre(s)	(b)(1) Non-adjacent wetland.	Based on the wetland delineation map, Wetland 2 is surrounded by uplands involving forested areas to the north, east, and southeast, and a parking area and paved roadway to the west and southwest. The delineation map also shows the boundaries of Wetland 2 is contained within the review area and historical aerial photos provided in the delineation report and via Google Earth (photos taken 05/2018, 06/2017, 04/2017, 04/2015, 10/2011, 05/2011, 06/2010, 03/2009, 06/2008, 06/2006, 05/2005, 05/1992) primarily taken during the wetter months of the year, illustrate mostly dry conditions within the area. The Wisconsin Surface Water Data Viewer indicates the nearest (a)(1)-(a)(3) water is Green Bay (Lake Michigan) approximately 0.13 mile north of Wetland 2. A review of a floodplain map indicates Wetland 2 is within the mapped floodplain of Lake Michigan however it is separated from the lake by uplands including residential development and a paved roadway. A review of a topographic map provided via Brown County GIS shows the elevation increases from 582 to 586 towards the shoreline to the north. Through conversations with the AJD requestor, there are no culverts present connecting Wetland 2 to any other aquatic resource in the area. The presence of uplands around the wetland, the change in elevation, aerial photography, and no connection to surrounding areas, all indicates this wetland does not abut the lake to the north, is not separated from the lake by natural or man-made barriers, and does not receive flooding in a typical year from this water of the U.S.

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: [Cedar Corporation, Wildlife Sanctuary Property 2020 Wetland Delineation.](#)

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

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: Google Earth and Brown County GIS**
- ☐ 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: **Title(s) and/or date(s)**.

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
FEMA/FIRM maps	Floodplain Maps

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

C. Additional comments to support AJD: **N/A**