



**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): 8/17/2021

ORM Number: MVP-2021-01080-SJW

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Kaukauna County/Parish/Borough: Outagamie

Center Coordinates of Review Area: Latitude 44.252032 Longitude -88.242945

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
Wetland 1	0.49	acre(s)	(b)(1) Non-adjacent wetland.	<p>A review of available information including the Wisconsin Wetland Inventory Mapping, USGS Topo Mapping, Web Soil Survey, Google Earth, etc. indicates that Wetland 1 is an isolated wetland depression situated in the middle of a large agricultural field, surrounded entirely by uplands. Wetland 1 extends to the east outside of the review area onto a neighboring property. However the WWI mapping does not indicate any wetlands are present immediately east of this feature, and aerial imagery indicates that Wetland 1 transitions into uplands approximately 50 feet to the east of the review area. Wetland 1 is situated approximately 0.39 miles to the west of the nearest tributary (unnamed) with uplands in between these two resources. A review of multiple years of aerial imagery (2008-2020) shows a wet signature within the delineated boundary of Wetland 1 on some years. However, this feature is consistent with the delineated limits of Wetland 1 and does not extend outside of the delineated wetland boundary. A review of the USGS topo mapping indicates that Wetland 1 is situated in an area with very little topographic relief, with a slight decrease in elevation (less than 5 feet) between Wetland 1 and the nearest tributary. There is no hydrologic connection between these features.</p> <p>Based on this information, Wetland 1 is a (b)(1) Non-adjacent wetland feature which does not maintain a downstream connection to a Traditional Navigable Water. Wetland 1 is not inundated by flooding in a typical year, is not located within a flood plain, and is not separated from an (a)(1)-(a)(3) water by a man-made or natural feature. Based on this information, Wetland 1 is non-jurisdictional feature which is not regulated under Section 404 of the Clean Water Act.</p>

III. SUPPORTING INFORMATION

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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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 completed by McMahon Associates, dated May 26, 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: Google Earth, and 2008-2020 NAIP Air Photos](#)

☐ 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: [Web Soil Survey](#)

☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

☒ USGS topographic maps: [1:24K Wrightstown](#)

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	Wisconsin Wetland Inventory
Other Sources	Wisconsin Surface Water Data Viewer

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

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