



**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): 8/13/2021

ORM Number: MVP-2021-01241-MWM

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Town of Port Edwards

County/Parish/Borough: Wood

Center Coordinates of Review Area: Latitude 44.2947099 Longitude -89.540309

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

c§ 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
Wetland 1 Wetland 2 Wetland 3	4.53 0.73 1.06	acre(s)	(b)(1) Non-adjacent wetland.	<p>Based on a review of historical aerial imagery, USGS topo map, USDA soil survey, WWI, and WDNR Surface Water Data Viewer, we have determined that Wetland 1-3 are mapped wetland features which do not maintain a hydrologic connection to a downstream tributary.</p> <p>Wetland 1 continues offsite to the NW and directly abuts County Highway G. A review of aerial imagery and SWDV indicates there are wetland signatures on the opposite site of County Highway G, but there are no culverts or other type of similar structures which would provide a hydrologic connection to this wetland feature.</p> <p>Wetlands 2 and 3 are completely surrounded by upland which eliminates a direct hydrologic connection with an a(1)-(3) water in a typical year.</p> <p>The wetlands all are within a low spot, about 2 feet lower in elevation than the surrounding upland and rest of the review area. The review area is not within a flood zone and would not be flooded by an a(1)-(3) water in a typical year. The nearest a(1)-(3) water is over 51,000 feet NE and is Fivemile Creek, a tributary to the Wisconsin River.</p> <p>Based on this information, we have determined that Wetlands 1-3 are b(1) non-adjacent wetlands which are not regulated by the Corps under Section 404 of the Clean Water Act.</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: [Allen O'Leary, Wetland & Wildlife Services, LLC](#)

This information is sufficient for purposes of this AJD.

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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Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [N/A](#)
- ☐ Photographs: [Select](#). [N/A](#)
- ☐ Corps site visit(s) conducted on: [N/A](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Wood County, Corner coordinates: WGS84](#)
- ☒ USFWS NWI maps: [Accessed by USACE on 8/4/2021](#)
- ☒ USGS topographic maps: [Accessed by USACE on 8/10/2021 on Surface Water Data Viewer](#)

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	WDNR Surface Water Data Viewer: Wetland Indicator Soils, Mapped Wetlands, Flood Hazard Zones and Aerial Photos from 2008, 2013, 2015, and 2020.
Other Sources	Google Earth, 1999, 2005, 2006, 2010, and 2016.

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

C. Additional comments to support AJD: [Wetland sizes and boundaries were estimated for purposes of this AJD only.](#)