



**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-2021-01257-SJW

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Wisconsin City: Village of Harrison

County/Parish/Borough: Calumet

Center Coordinates of Review Area: Latitude 44.226797 Longitude -88.318146

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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.	

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1	0.80	acre(s)	(b)(1) Non-adjacent wetland.	The review area includes 24 aquatic resources which are identified as Wetland 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22a, and 22b on the attached figure labeled MVP-2021-01257-SJW: Figure 1. Based on a review of available data including the wetland delineation report, WWI mapping, USGS Topos, Web Soil Survey, and Aerial Imagery from Google and the Wisconsin Surface Water Data Viewer, we have determined that each of the 24 aquatic resources identified within the AJD review area are (b)(1) non-adjacent wetland features which do not maintain a hydrologic connection to a downstream navigable water. As shown on the attached Figure 1, the review area is best described as a large agricultural field with a small wooded parcel in the SE corner, and a farm/homestead in the northwest corner. The WWI mapping identifies one aquatic resource throughout the entire review area (Wetland 11a), however none of the other 23 wetlands are shown. A review of multiple years of aerial imagery dating back to 2008 show wet signatures consistent with the delineated limits of each wetland. However, these features do not extend outside of the review area, with the exception of Wetland 10 which extends approximately 50 feet into the immediately adjacent property to the south where it transitions into uplands. Wetlands 4 and 7 appear to flow into Wetland 22b which is located on the southern side of Schmidt Road. However, there are no culverts or other structures which connect Wetland 22b to another aquatic resource outside of the review area. A review of the SWDV indicates that the nearest tributary (unnamed) is located approximately 0.20 miles to the west of the review area in a residential development. The USGS topo maps indicate that surface water in the local area generally flows in a northwesterly direction towards this unnamed tributary. However, the review area is
Wetland 2	0.10			
Wetland 3	0.06			
Wetland 4	0.12			
Wetland 5	0.18			
Wetland 6	0.25			
Wetland 7	0.87			
Wetland 8	0.11			
Wetland 9	0.10			
Wetland 10	0.18			
Wetland 11a	0.16			
Wetland 11b	0.42			
Wetland 11c	0.31			
Wetland 12	0.02			
Wetland 13	0.48			
Wetland 14	0.01			
Wetland 15	0.02			
Wetland 16	0.05			
Wetland 17	0.04			
Wetland 18	0.04			
Wetland 19	0.09			
Wetland 20	0.01			
Wetland 21	0.12			
Wetland 22a	0.10			
Wetland 22b	0.20			

<sup>4</sup> 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.

<sup>5</sup> 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**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			<p>very flat, with approximately 5 feet of topographic relief from the eastern limits of the review area to the western side of the review area. The lands between the delineated wetland features within the AJD review area and this unnamed tributary are comprised entirely of uplands. Therefore, there is no hydrologic connection between this tributary and the delineated wetlands.</p> <p>Based on this information, each of the 24 aquatic resources identified within the review area are (b)(1) non-adjacent wetland features which do not maintain a downstream hydrologic connection to a traditional navigable water. Each of these wetlands are surrounded entirely by uplands, and none of them abut an (a)(1)-(a)(3) water, nor are they inundated by flooding from an (a)(1)-(a)(3) water in a typical year. Lastly, none of these structures are separated from an (a)(1)-(a)(3) water by a natural or man made feature. Therefore, the 24 wetlands identified within the review area are non-waters of the U.S. subject to jurisdiction 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: [Wetland delineation report titled "Routine Wetland Delineation of Luniak Meadows" dated June 24, 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 SWDV](#)
- ☐ 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: [Wisconsin Wetland Inventory](#)
- ☒ 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
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>



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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">Wisconsin Wetland Inventory</a>
<a href="#">Other Sources</a>	<a href="#">Wisconsin Surface Water Data Viewer</a>

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

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