

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 6, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2015-01992-NTD Oshkosh Industrial Roofing

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin County/parish/borough: Winnebago City: Oshkosh
Center coordinates of site (lat/long in degree decimal format): Lat. 44.06016° N, Long. -88.51248° W.
Universal Transverse Mercator:

Name of nearest waterbody: Lake Winnebago

Name of watershed or Hydrologic Unit Code (HUC): 04030203

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: May 5, 2016
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):¹

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: **The 948 square foot wetland is a settling basin feature that was constructed in uplands and is not a water of the US. This was confirmed by reviewing the June 2, 2015 wetland delineation report and information contained in an August 24, 2015 exemption letter issued by the Wisconsin Department of Natural Resources. The area in question is located in an area mapped as non-hydric soil and a review of historic aerial photographs does not indicate prior wetland history at the site. Additionally, the area identified as Wetland 2 (the review area) is part of an approved Wisconsin Pollutant Discharge Elimination System (WPDES) facility for storwater. This non-jurisdictional determination for Wetland 2 is in accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), which states that the Corps does not generally consider the following to be waters of the US; artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins or rice growing.**

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

¹ Supporting documentation is presented in Section III.F.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other (explain, if not covered above): **The stormwater pond is not a water of the US pursuant to the preamble to the Corps 1986 regulations (33 CFR Parts 320-330)**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

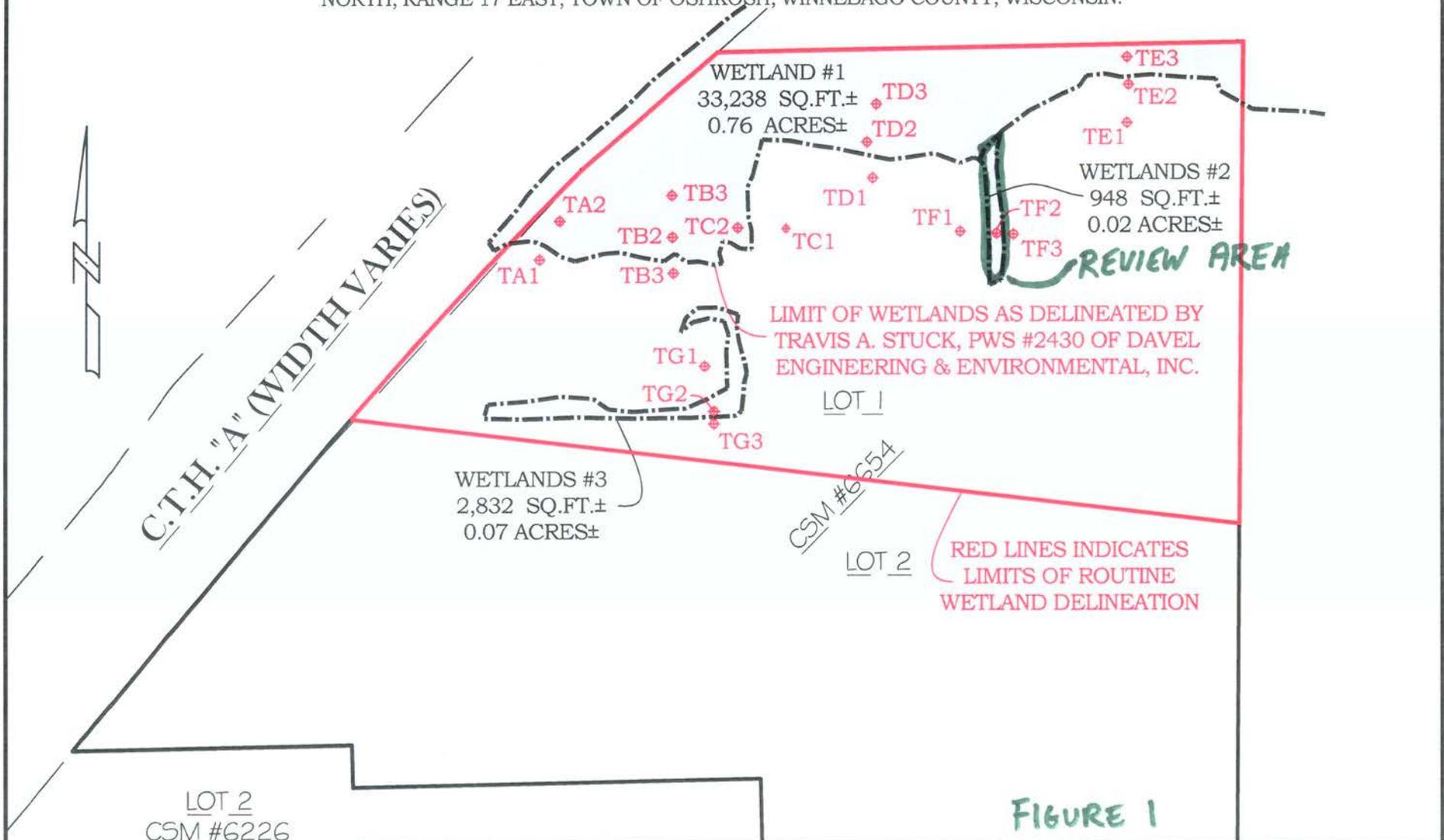
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Davel Engineering & Environmental**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K WI-OSHKOSH**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Winnebago County Soil Survey**
- National wetlands inventory map(s). Cite name: **WWI**
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **FSA 1957, 1981, 1992, 2008, and 2013**
or Other (Name & Date): **Wisconsin Surface Water Data Viewer**
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): **WDNR exemption letter dated August 24, 2015**

B. ADDITIONAL COMMENTS TO SUPPORT JD: The settling basin was constructed in uplands and is not a water of the US, as detailed in Section II, B2.

"WETLAND OVERVIEW MAP"

SHOWING LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NUMBER 6654 AS RECORDED IN VOLUME 1 OF CERTIFIED SURVEY MAPS ON PAGE 6654, LOCATED IN GOVERNMENT LOT 1 AND THE NORTHEAST 1/4 OF THE FRACTIONAL SOUTHWEST 1/4, ALL IN SECTION 30, TOWNSHIP 19 NORTH, RANGE 17 EAST, TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN.



CAROW LAND SURVEYING CO., INC.

615 N. LYNNDAL DRIVE., P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297
PHONE 920-731-4168 FAX 731-5673

SCALE	1" = 100'
DRAWN BY	cp RDD
PROJECT NO.	A041.99-15WET