

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): January 12, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Bear Development St. Francis, 2015-03186-MHK (Wetland 3 and 4)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin** County/parish/borough: **Milwaukee** City: **St. Francis**
Center coordinates of site (lat/long in degree decimal format): Lat. **42.97194° N**, Long. **-87.85355° W**.
Universal Transverse Mercator: **16**

Name of nearest waterbody: **Lake Michigan**

Name of watershed or Hydrologic Unit Code (HUC): **Great Lakes Region (04040002)**

- 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: **January 12, 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.

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

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
 Other: (explain, if not covered above): **W-3 is approximately 0.10 acre and W-4 is 0.08 acre in size. These two aquatic resources were constructed to meet the requirements of Section 402 CWA.**

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: **R.A. Smith National delineation report**
 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 Quad WI-South Milwaukee
- USDA Natural Resources Conservation Service Soil Survey. Citation: Milwaukee County
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s): Wisconsin Wetland Inventory
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): 1937, 1951, 1963, 1970, 1980, 1985, 1990, 1995 Milwaukee County GIS; Google Earth Imagery 2000, 2004, 2005, 2007, 2008, 2010, 2011, 2014, and 2015
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): Park Shore Phase 2A Erosion Control and Grading Plans dated October 2005

B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area contains four aquatic resources. Wetland 1 and 2 are discussed on a separated JD form. W-3 and W-4 are the subject of this JD.

W-3 and W-4 were constructed to meet the requirements of Section 402 of the Clean Water Act. Under 33 CFR 328(a)(8), waste treatment systems including treatment ponds designed to meet the requirements of CWA are not waters of the U.S. W-3 and W-4 lie within an unmapped area of the NRCS Soil Survey. A review of historical aerial photos on the Milwaukee County GIS website and Google Earth indicate that the site remained undeveloped and relatively unchanged from 1937 to 1985 with no indication that wet signatures were consistent in the location of W-3 and W-4. Google Earth 2005 aerial photo indicates the construction of W-3 and W-4 which is consistent with the 2005 erosion control plans the erosion control and grading plans which that these two aquatic resources were constructed for storm water drainage purposes. Therefore, W-3 and W-4 are not jurisdictional under Section 404 of the CWA.

Document Path: H:\1150397\GIS\Wetland Figures\Figure 2 - Wetland Boundary Map.mxd



Bear Development, LLC
City of St. Francis
Milwaukee County, Wisconsin



Figure 2
Wetland Boundary
Map

Map Legend

- Sample Plot
- Delineated Wetland - 0.55 acre
- Study Area - 11 acres