

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): **DEC 28 2017**

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: LakeView West, MVP-2015-04401-RAN, Stormwater Detention Basin and Ditch)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI County/parish/borough: Kenosha City: Village of Pleasant Prairie
Center coordinates of site (lat/long in degree decimal format): Lat. 42.52593° N, Long. 87.94850° W
Universal Transverse Mercator: X:422097.52 Y:4708608.53

Name of nearest waterbody: Unnamed tributary

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region (07120004)

- ☒ 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: December 19, 2017
☐ 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: **One stormwater detention basin and one ditch were reviewed within the approximate 22-acre project area. The stormwater detention basin (approximately 1.33-acres) and ditch (approximately 0.06 acre) were constructed in dry land sometime between 1990 and 1995 and are not waters of the U.S. This was confirmed by reviewing aerial photographs dated 1937, 1963, 1967, 1970, 1975, 1980, 1985, 1990 and 1995, WWI, and the NRCS Soil Survey data. The determination of no jurisdiction for the stormwater detention basin 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 U.S.; 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. The ditch is not a relatively permanent water and the determination of no jurisdiction is in accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330) and the 2008 Rapanos Guidance.**

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

¹ Supporting documentation is presented in Section III.F.

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 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 detention basin is not a water of the U.S. pursuant to the preamble to the Corps 1986 regulations (33 CFR Parts 320-330). The ditch is not a water of the U.S. pursuant to the preamble to the Corps 1986 regulations (33 CFR Parts 320-330) and the 2008 Rapanos Guidance.**

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.

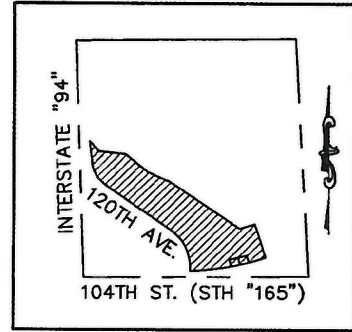
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Wetland & Waterway Consulting LLC Delineation Report dated September 12, 2015 and 1991 water main construction plan for 120th Avenue.
- ☐ 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 Pleasant Prairie
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Kenosha 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): Kenosha County 1937, 1963, 1967, 1970, 1975, 1980, 1985, 1990 and 1995
 - 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): WDNR Exemption Letter dated March 09, 2017.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

WETLAND DELINEATED BY DAVE MEYER OF WETLAND & WATERWAY CONSULTING, LLC. FIELD LOCATED BY JSD PROFESSIONAL SERVICES, INC. ON SEPT. 8 AND 11, 2015.

TOTAL WETLAND AREA WITHIN PROJECT: 3.508 AC.



LOCATION MAP

SW 1/4 SEC. 19-1-22
SCALE 1"=2000'

Ditch

PARCEL 13
CSM NO. 1628
(21.836 AC.)

PROJECT
BOUNDARY
(22.204 AC.)

Review area for AJD is outlined by blue polygon. NO other wetlands depicted on the figure were evaluated.

Stormwater detention basin

0.266 AC.

0.005 AC.

PARCEL 1
CSM NO. 1332
(0.184 AC.)

0.328 AC.

OUTLOT 4
CSM NO. 1628
(0.184 AC.)

104TH ST. (S.T.H. "165")

ROADSIDE
DITCH



SCALE IN FEET
250' 0 250'

R:\2014\1406301 LakeView ALTA - Wetland Survey\dwg\1406301 Wetland Map2015.dwg User: riskandarsjch

JSD Professional Services, Inc.
Engineers • Surveyors • Planners
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PROJECT:
**LAKEVIEW WEST
SITE 16B**
PLEASANT PRAIRIE, WI

SHEET TITLE:
**WETLAND
DELINEATION MAP**

JSD PROJECT NUMBER:
14-6301
DRAWN BY: RWI CHECKED BY: RKW
DATE:
09-15-15

SHEET NUMBER:
W-1