

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): December 28, 2015

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Pewaukee Corporate Park 2, 2015-03767-MHK (Wetland 1)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin**

County/parish/borough: **Waukesha** City: **Kenosha**

Center coordinates of site (lat/long in degree decimal format): Lat. **43.06718° N**, Long. **-88.22104° W**.

Universal Transverse Mercator: **16**

Name of nearest waterbody: **unnamed tributary to the Fox River**

Name of watershed or Hydrologic Unit Code (HUC): **Upper Mississippi Region (07120006)**

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: **November 30, 2015**

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 review area contains one intrastate wetland (Wetland 1). This fresh wet meadow basin is located within an area mapped with Lamartine silt loam (LmB), which is characterized as a somewhat poorly drained soil in drainageways, on foot slopes, and in slight depressional areas. LmB may have inclusions of Pella soils (hydric soil). This wetland does not appear on the Wisconsin Wetland Inventory maps and is not within a 100-year floodplain. A 2006 wetland delineation (which the Corps concurred within under MVP-2006-06009-DJP) previously identified Wetland 1 as upland. Wetland 1 is a depressional basin and does not support a link to interstate or foreign commerce; is not known to be used by interstate or foreign travelers for recreation or other purposes; does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Wetland 1 is not regulated by the Corps under Section 404 of the Clean Water Act.**

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):

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: W-1 is 0.04 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: R. A. Smith National drawings dated 11-02-15; Stantec Consulting Services Inc. delineation report dated 2-24-15
- 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-Waukesha
- USDA Natural Resources Conservation Service Soil Survey. Citation: Waukesha County, Wisconsin
- 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): delineation report photos
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter: 2006-06009-DJP delineation concurrence dated December 27, 2006
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland 1 is hydrologically isolated and has no surface connection to any water of the United States.

VA:1937.Waukesha_193703296.A07_gis.mxd\GIS_Fig1_Data.mxd - Revised: 2015-02-24 by:bh@stantec.com



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources Include: Stantec, WDNR, WDOT
 3. Orthophotography: 2013 NAIP

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- Legend**
- Sample Point
 - Approximate Project Boundary
 - Culvert
 - Field Delineated Wetland Boundary
 - Field Delineated Wetland Area
 - Detention Pond
 - DNR 24k Hydrography
 - ~ Perennial Stream
 - - - Intermittent Stream
 - Waterbody

Figure No.

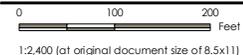
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Title

Field Collected Data

Client/Project
 Naturquest 2000 Development
 Pewaukee Corporate Park 2

Project Location 193703296
 T7N, R19E, S14 Prepared by SF on 2014-10-01
 City of Pewaukee Technical Review by SF on 2014-10-09
 Waukesha Co., WI Independent Review by EP on 2014-10-09



1:2,400 (at original document size of 8.5x11)

