

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 19, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: CenterPoint Properties Site 106 LakeView Corporate Park, 2015-01098-MHK (Stormwater Pond 1)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin County/parish/borough: Kenosha City: Pleasant Prairie
Center coordinates of site (lat/long in degree decimal format): Lat. 42.52222° N, Long. -87.89700° W.
Universal Transverse Mercator: 16

Name of nearest waterbody: unnamed tributary to Des Plaines River

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 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.

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): **Stormwater Pond 1 is approximately 1.17 acre in size. This aquatic resource was 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: STS Consultants Ltd. "LakeView Corporate Park" Erosion control and grading plan, dated 11-4-99
 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-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): 1937, 1963, 1967, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2010, 2015 Kenosha County GIS Website
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):

B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area contains Stormwater (SW) Pond 1 which was 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. The grading and stormwater plan submitted by JSA Professional Services, Inc. and a review of historic aerial photos indicate the pond was constructed between 2000 and 2005. The aerial photos show a history of a tree orchard and row crops with no consistent wet signatures on the soil surface to indicate wetland conditions. In addition, the erosion control and grading plans that were submitted with the jurisdiction determination request illustrates that this aquatic resource was constructed for storm water drainage and retention purposes. Therefore, SW Pond 1 is not jurisdictional under Section 404 of the CWA.

WETLANDS EXHIBIT

CLIENT
Pinnacle Engineering Group

SITE ADDRESS
Village of Pleasant Prairie, Kenosha County, Wisconsin.

CHAPUT LAND SURVEYS LLC
231 W. FLORIDA STREET
MILWAUKEE, WI 53204 Date: March 30, 2015
414-221-8068
www.chaputlandsurveys.com Drawing No. 1711-tjn

NOTES

Wetland Delineation by Dave Meyer of Wetland & Waterway Consulting LLC on May 2, 2014.

