

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): June 18, 2015

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: WisDOT Highway 50, 2011-04993-MHK
(Golden Corral stormwater pond/SEWRPC 27)**

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. **42.56820° N**, Long. **-87.88341° W**.
Universal Transverse Mercator: **16**

Name of nearest waterbody: **unnamed tributary to Jerome Creek**

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: **June 18, 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 (SW) Pond/Wetland 27 is approximately 0.2 acre in size per Southeastern Wisconsin Regional Planning Commission delineation completed in October 2012. This aquatic resource was constructed in upland 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: **SEWRPC report dated January 18, 2013;**
 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, 1970, 1980, 1990, 1995 Kenosha County GIS; Google Earth Imagery April 2013
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): Griswold Engineering Site and Grading Plans dated October 14, 1998; City of Kenosha Conditional Use Permit dated December 21, 1998

B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area contains one aquatic resource: a stormwater pond constructed for the Golden Corral development identified as Plant Community 27 in the SEWRPC delineation report. This pond 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. Site and grading plans for the Golden Corral development and a local Conditional Use Permit illustrates that this aquatic resource was constructed for storm water drainage and retention purposes. A review of aerial photos and NRCS soil survey maps indicate that this pond was constructed in uplands. Therefore, the Golden Corral stormwater pond/SEWRPC 27 is not jurisdictional under Section 404 of the CWA.

