

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): May 6, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2015-04571-NTD Oshkosh South Park Ponds

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin County/parish/borough: Winnebago City: Oshkosh
Center coordinates of site (lat/long in degree decimal format): Lat. 44.00691° N, Long. -88.55518° W.
Universal Transverse Mercator:

Name of nearest waterbody: Fox River

Name of watershed or Hydrologic Unit Code (HUC): 04030201

- 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: May 6, 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.

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 stormwater ponds features shown within the review area were constructed in Urthodont soils (filled land) and have been in place since at least 1937. These features are not waters of the US. This determination was made based on information contained in a September 28, 2015 wetland delineation and October 16, 2015 technical memorandum prepared by AECOM. The wetland delineation indicates no wetlands are present surrounding the stormwater features and the original land survey notes and vegetation of wisconsin mapping does not indicate wetland history within or surrounding the subject area. This determination is further supported by a December 3, 2015 exemption letter issued by the Wisconsin Department of Natural Resources. This non-jurisdictional determination for the stormwater features located within the review area 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 US; 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.**

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.



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AECOM
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Legend

- Investigation Area
- Excavated pond

Figure 3: Wisconsin Wetland Inventory Map
 South Park Area Basin Design
 City of Oshkosh
 Winnebago County, Wisconsin

DRAWN BY: SED	DATE: 10/15/2015
APPROVED BY: SAL	PROJECT NO: 60442986