

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): November 5, 2015

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Labovitch Residence, 2015-03884-JVD

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **WI** County/parish/borough: **Walworth** City: **Whitewater**

Center coordinates of site (lat/long in degree decimal format): Lat. **42.7672° N**, Long. **-88.6993° W**.

Universal Transverse Mercator: **Zone 16**

Name of nearest waterbody: **Whitewater Lake**

Name of watershed or Hydrologic Unit Code (HUC): **07090002**

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: **October 22, 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):

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: **Createscape Landscaping Service, Inc. plans and Kettle Moraine Surveying Inc. survey map.**

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:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- 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): _____
 or Other (Name & Date): **Ground Level Photos provided by the applicant.**
- 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 for this determination is shown on the attached exhibit labeled, MVP-2015-03884-JVD Figure 1 and 2. There are no aquatic resources located within the review area.



Labovitch - Grading



Legend

- Wetland Class Points**
- Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
- Filled Points**
- Filled Points
- Wetland Class Areas**
- Wetland
 - Upland
- Filled Areas**
- Filled Areas
- Other Symbols**
- NRCS Wetspots
 - Wetland Indicators
 - Rivers and Streams
 - Open Water

MVP-2015-03884-JVD
Figure 1

Notes

Town of Whitewater, Whitewater Lake
 42.7672, -88.6993
 Walworth Co.
 HUC: 07090002
 MVP-2015-03884-JVD

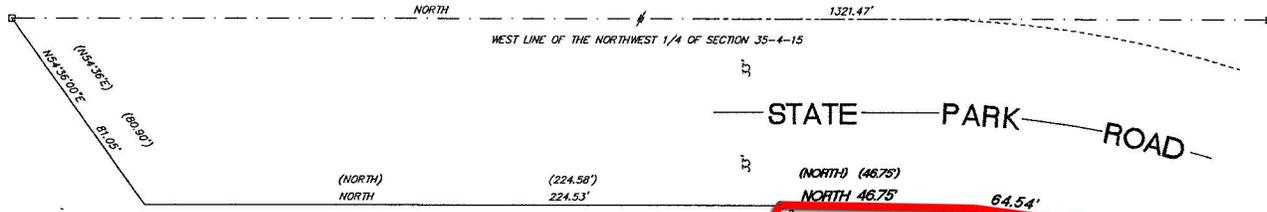
0.0 0 0.02 0.0 Miles

NAD_1983_HARN_Wisconsin_TM
 © Latitude Geographics Group Ltd.

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made aregarding accuracy, applicability for a particular use, completemens, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/org/legal/>

"WEST 1/8 SECTION CORNER" OF THE NORTHWEST 1/4 OF SECTION 35-4-15

NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 35-4-15



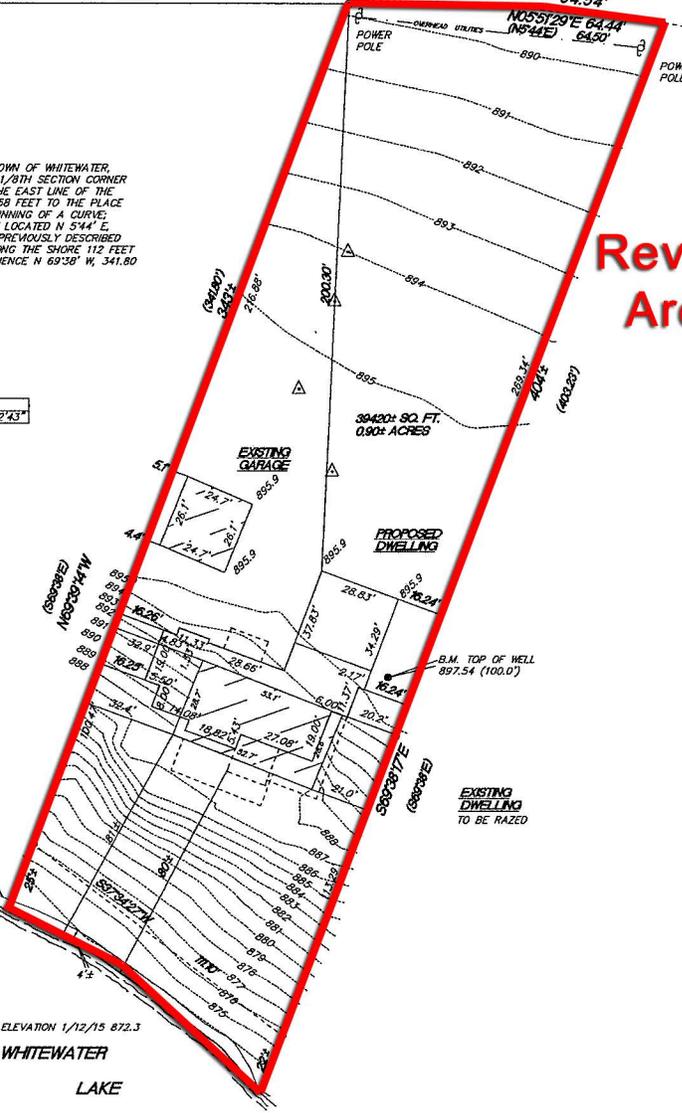
PLAT OF SURVEY

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 35, T4N, R15 E, TOWN OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/8TH SECTION CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 35; THENCE N 54°36' E, 80.90 FEET TO THE EAST LINE OF THE KETTLE MORAIN STATE FOREST PARK ROAD; THENCE NORTH ALONG SAID ROAD 224.50 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUE NORTH, ALONG SAID ROAD 46.75 FEET TO THE BEGINNING OF A CURVE; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT TO A POINT LOCATED N 5°44' E, 64.50 FEET FROM THE BEGINNING OF THE CURVE; THENCE S 69°38' E, 403.23 FEET (PREVIOUSLY DESCRIBED AS 407.61 FEET) TO THE SHORE OF WHITEWATER LAKE; THENCE SOUTHWESTERLY, ALONG THE SHORE 112 FEET MORE OR LESS TO A POINT LOCATED S 69°38' E, FROM THE PLACE OF BEGINNING; THENCE N 69°38' W, 341.80 FEET (PREVIOUSLY DESCRIBED AS 333.59 FEET) TO THE PLACE OF BEGINNING.

SURVEYED FOR: RUEBL BUILDERS
 SURVEY ADDRESS: N7630 STATE PARK ROAD

| RADIUS | LENGTH | CHORD | BEARING | DELTA |
|---------|--------|--------|-------------|-----------|
| 329.00' | 64.54' | 64.44' | N05°51'29"E | 11°22'43" |

Review Area



TOP OF BANK
 DUE TO HEAVY SNOW CONDITIONS, LOCATION OF THE EDGE OF THE ICE MAY BE SLIGHTLY OFF.

ICE ELEVATION 1/12/15 872.3
 WHITEWATER LAKE

- FOUND 6" CONC. MON. W/BRASS CAP
- FOUND 1" O.D. IRON PIPE
- FOUND 3/4" PIN
- ⊙ FOUND 1/2" PIN
- 893.9 EXISTING SPOT ELEVATIONS
- △ SOIL BORINGS (LOCATION TAKEN FROM MAP)

SCALE 1"=80'

BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 35-4-15, AND IS ASSUMED TO BEAR NORTH.

MVP-2015-03884-JVD
Figure 2

Kettle Moraine Surveying Inc.
 P.O. Box 357
 Eagle WI, 53189
 (262)364-3484
 KETTLEMORAINESURVEYING.COM

"I hereby certify that I have surveyed the above property and that the above map is a true representation thereof and shows the size and location of the property, exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments if any.
 This survey is made for the use of the present owners of the property, and also those who purchase, mortgage or guarantee the title thereto within one year from date hereof."

THIS IS NOT AN ORIGINAL SURVEY UNLESS THE SEAL IS RED.

1/12/15 DATE
 TEP FIELD WORK BY
 TEP DRAWN BY
 15007 JOB NUMBER