

**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):**

**NOV 15 2018**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2018-00791-AIS**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: **Wisconsin** County/parish/borough: **Ozaukee County** City: **Saukville**

Center coordinates of site (lat/long in degree decimal format): Lat. **43.388405° N**, Long. **-87.950282° W**.

Universal Transverse Mercator: **Zone 16, x423033.535891, y4804386.467332**

Name of nearest waterbody: **Milwaukee River**

Name of watershed or Hydrologic Unit Code (HUC): **Lower Milwaukee River-Frontal Lake Michigan (04040003)**

☒ 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: **11/6/18**

☐ 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): **This jurisdictional determination is only applicable to Wetland A within the review area shown in red on the enclosed figures labeled MVP-2018-00791-AIS Pages 2-3 of 4. Soils within the areas in question consist of OuB (Ozaukee silt loam). According to Natural Resources Conservation Service (NRCS), these soil units are predominantly non-hydric. A review of available historic aerial photography from 1937 indicated no obvious wetness signatures within the review area. The site plan supports this determination that Wetland A is a settling basin constructed in uplands. The basis for this jurisdictional determination is the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), which states that the Corps generally does not consider certain waterbodies to be Waters of the U.S. (WoUS), including: 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. We conclude that Wetland A is a settling basin constructed in uplands. Therefore, Wetland A is not a WoUS and is not jurisdictional under the 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: **Wetland & Waterway Consulting**
- ☒ 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 West Port Washington**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Ozaukee County Soil Survey**
- ☒ National wetlands inventory map(s). Cite name: **USFWS NWI**
- ☐ State/Local wetland inventory map(s): **WDNR SWDV**
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **FSA Ozaukee County 8/15/1937**
  - or ☒ Other (Name & Date): **Google Earth 2000-2015, Ground-level provided by applicant**
- ☒ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): **WDNR conclusion**

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**