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Regulatory Program



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INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): 10/7/2015

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): MVP-2015-02221-JLK

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI

County/parish/borough: Brown

City: Green Bay

Center coordinates of site (lat/long in degree decimal format): Lat. 44.53500, Long. -88.07790.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): Review also includes other aquatic resources (MVP-2015-02221-JLK Wetland 1 and Wetland 2) that are subject to a separate determination.

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date:

Office (Desk) and Field Determination. Office/Desk Dates: 9/23/2015 Field Date(s): 8/7/2015.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: 6/15/2015.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: Wetland Delineation Report for Greenberg Farrow. Dated 6/15/2015.

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date:

USGS Hydrologic Atlas. Title/Date:

USGS, NHD, or WBD data/maps. Title/Date:

USGS 8, 10 and/or 12 digit HUC maps. HUC number:

USGS maps. Scale & quad name and date: Included with delineation report.

USDA NRCS Soil Survey. Citation: Included with delineation report.

USFWS National Wetlands Inventory maps. Citation:

State/Local wetland inventory maps. Citation: Included with delineation report.

FEMA/FIRM maps. Citation:

Photographs: Aerial. Citation: Included with delineation report. or Other. Citation: Included with delineation report.

LiDAR data/maps. Citation:

Previous JDs. File no. and date of JD letter:

- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

- "navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

- (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

- **Complete Table 1 - Required**

- This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

- (a)(2): All interstate waters, including interstate wetlands.

- **Complete Table 2 - Required**

- (a)(3): The territorial seas.

- **Complete Table 3 - Required**

- (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Table 4 - Required**

- (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 5 - Required**

- (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Table 6 - Required**

- Bordering/Contiguous.

Neighboring:

- (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

- (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

- (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

- (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

- (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- (b)(4)(vii): Puddles.¹
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD:

See attached spreadsheet. This Jurisdictional Determination includes one stormwater control feature (SWC 3), two water-filled depressions (Depression 9 and 11), and seven ditches (Ditch 4, 5, 6, 7, 8, 10, and 12) within the review area.

¹ In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Table 10. Non-Waters/Excluded Waters and Features

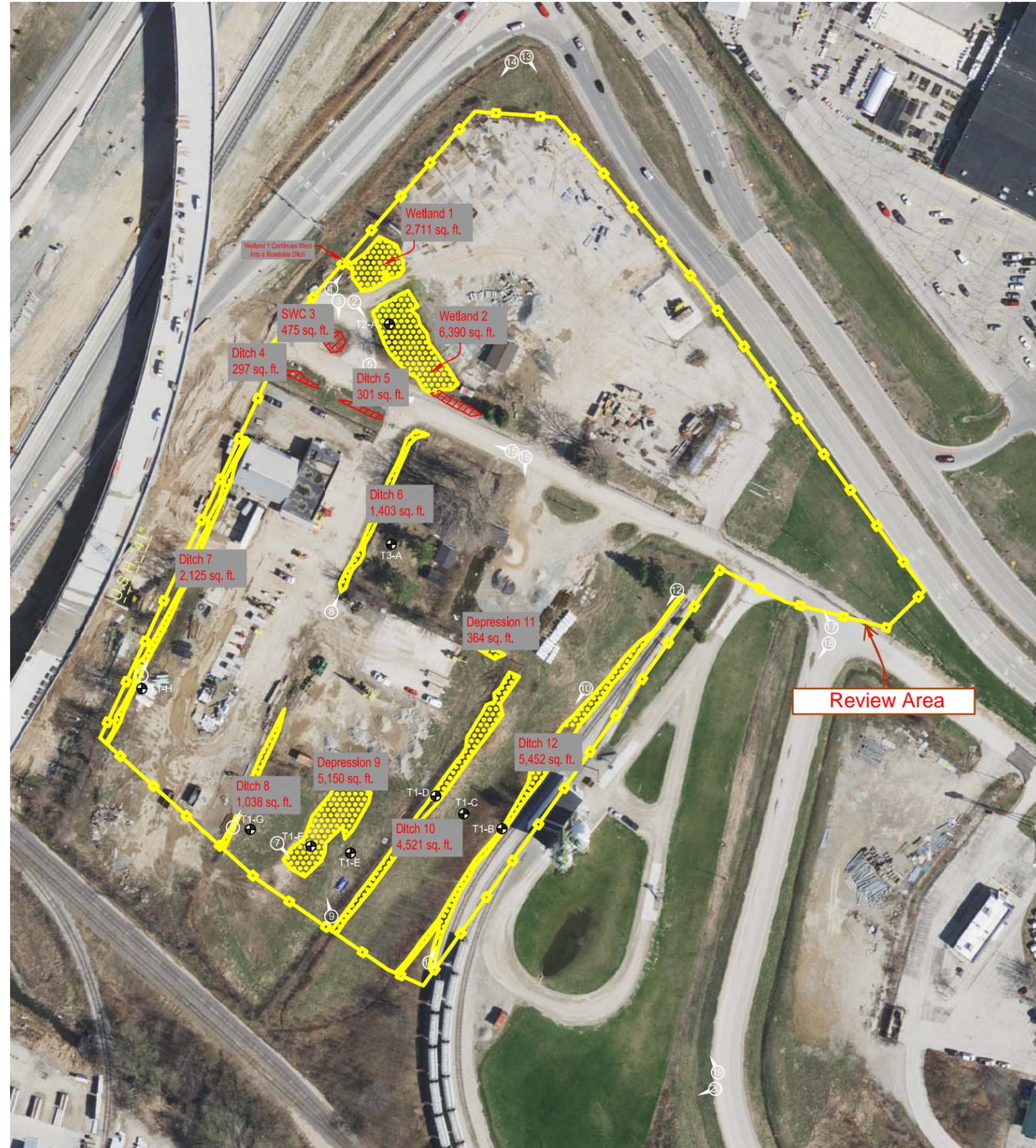
Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
SWC 3	Circular feature in the center of a cul-de-sac designed to capture and convey stormwater. The feature is located in what was the surface of a road from approximately 1938 to approximately 1978. The roadway was realigned which resulted in creation of the present cul-de-sac and stormwater control feature.
Ditch 4, 5, 6, 7, 8, 10, 12	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.
Depression 9 and 11	Based on historical photos, past use of the area was primarily agriculture with no visible wet signatures and no hydric soils were mapped. Area construction started in the 1960s and continued on through today. Recently, the site was used as a staging area for nearby Highway 41 construction in which heavy machinery and material stockpiling have significantly manipulated the area and has resulted in a water-filled depression.

Excluded Waters or Features

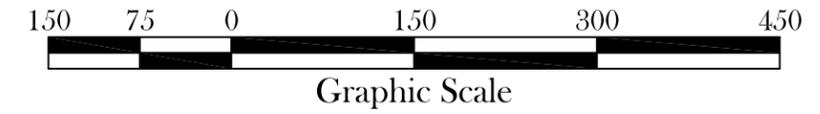
EXCLUDED WATERS OR FEATURES		
(b) Excluded Feature/Water Name	(b)(4)(i) Artificially irrigated areas	Rationale for (b) Excluded feature and Additional Discussion.
SWC 3	(b)(6) Stormwater control features	Circular feature in the center of a cul-de-sac designed to capture and convey stormwater. The feature is located in what was the surface of a road from approximately 1938 to approximately 1978. The roadway was realigned which resulted in creation of the present cul-de-sac and stormwater control feature.
Ditch 4	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.
Ditch 5	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.
Ditch 6	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.
Ditch 7	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.
Ditch 8	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.
Depression 9	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Based on historical photos, past use of the area was primarily agriculture with no visible wet signatures and no hydric soils were mapped. Area construction started in the 1960s and continued on through today. Recently, the site was used as a staging area for nearby Highway 41 construction in which heavy machinery and material stockpiling have significantly manipulated the area and has resulted in a water-filled depression.

Excluded Waters or Features

Ditch 10	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.
Depression 11	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Based on historical photos, past use of the area was primarily agriculture with no visible wet signatures and no hydric soils were mapped. Area construction started in the 1960s and continued on through today. Recently, the site was used as a staging area for nearby Highway 41 construction in which heavy machinery and material stockpiling have significantly manipulated the area and has resulted in a water-filled depression.
Ditch 12	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Man-made linear feature constructed in uplands. Designed to drain surrounding uplands and only flows in response to precipitation, no portion of this ditch was excavated in a tributary or is a relocated tributary.



Wetland Delineation Map



- Legend**
- Sample Point
 - Project Boundary Delineation Area
 - Picture Location and Direction
 - Wetlands need USACE Jurisdictional Determination and WDNR Exemption Determination
 - Wetlands need USACE Jurisdictional Determination
 - SWC - Stormwater Control Feature

Sheet 1 of 1
Project No. 0520-05-15
Drawing No. ####

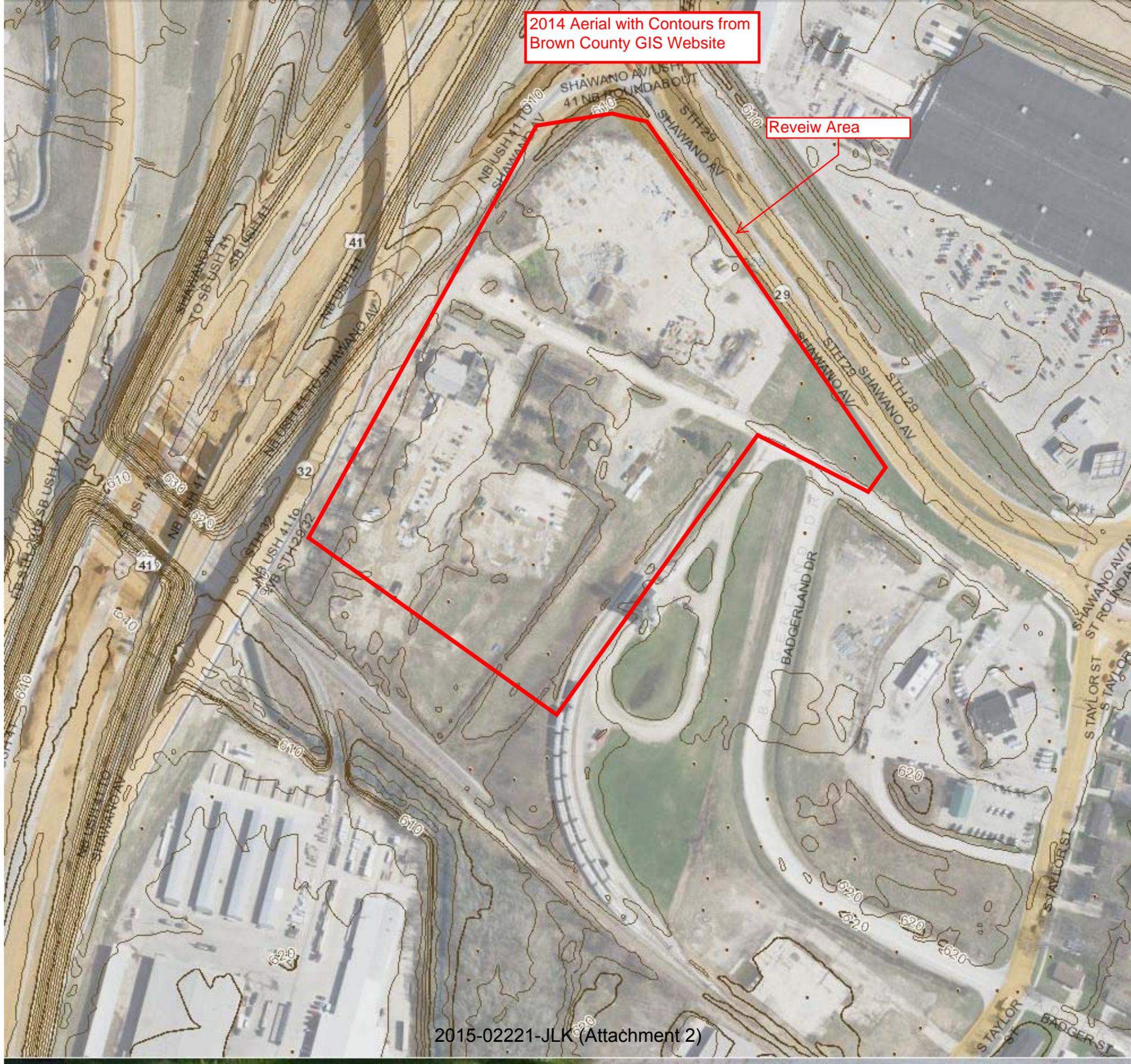
Scale:
1" = 150'

Client: Greenberg Farrow
Drafted By: BJJ
Tax Parcel No.:

Mach IV
Engineering & Surveying LLC
211 N. Broadway, Suite 114, Green Bay, WI 54303
PH: 920-505-5765 Fax: 920-505-5767

2014 Aerial with Contours from
Brown County GIS Website

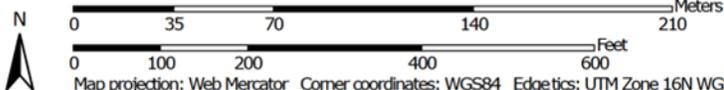
Reveiw Area



Custom Soil Resource Report
Soil Map



Map Scale: 1:2,640 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edgetics: UTM Zone 16N WGS84

Report—Hydric Soil List - All Components

Hydric Soil List - All Components—WI009-Brown County, Wisconsin					
Map symbol and map unit name	Component/Local Phase	Comp. pct.	Landform	Hydric status	Hydric criteria met (code)
OnB: Oshkosh silt loam, 2 to 6 percent slopes	Oshkosh	80-95	Glacial lakes	No	—
	Manawa	5-20	Till plains, glacial lakes, moraines, drainageways	No	—