



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 9/16/2020

ORM Number: 2020-01507-JMB

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Phillips County/Parish/Borough: Price

Center Coordinates of Review Area: Latitude 45.69216 Longitude -90.41621

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1A	0.43	acre(s)	(b)(1) Non-adjacent wetland.	The subject waters do not meet the definition of “adjacent wetlands”. A review of available resources confirmed the wetlands investigated are located within enclosed depressions that have no surface water connections to intermittent or perennial tributaries. The investigated wetlands are physically removed from the nearest A(1)-A(3) water, and there is no evidence that they are directly abutting an A(1) – A(3) water. The investigated wetlands were determined to be hydrologically isolated and are therefore not regulated by the Corps under Section 404 of the Clean Water Act.
Wetland 1B	0.02	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	These wetlands were excavated in upland (as confirmed by the delineation of aquatic resources and historical photos) for the purpose of conveying storm water, based on information provided by the applicant. Therefore, Wetlands 1b, 2, 3, and 4 are not considered to be waters of the U.S. and are not jurisdictional under Section 404 of the Clean Water Act.
Wetland 2	0.01			
Wetland 3	0.06			
Wetland 4	0.01			

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Wetland delineation report dated 06 June 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Other: Site photos in June 2020 Wetland Delineation Report](#)
- ☐ Corps site visit(s) conducted on: [Date\(s\)](#).
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [NRCS - Web Soil Survey](#)
- ☒ USFWS NWI maps: [Wetlands Mapper – 28 August 2020](#)

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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☒ USGS topographic maps: [1:24K Worcester](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	LiDAR contours – WG Xtreme

B. Typical year assessment(s): [N/A](#)

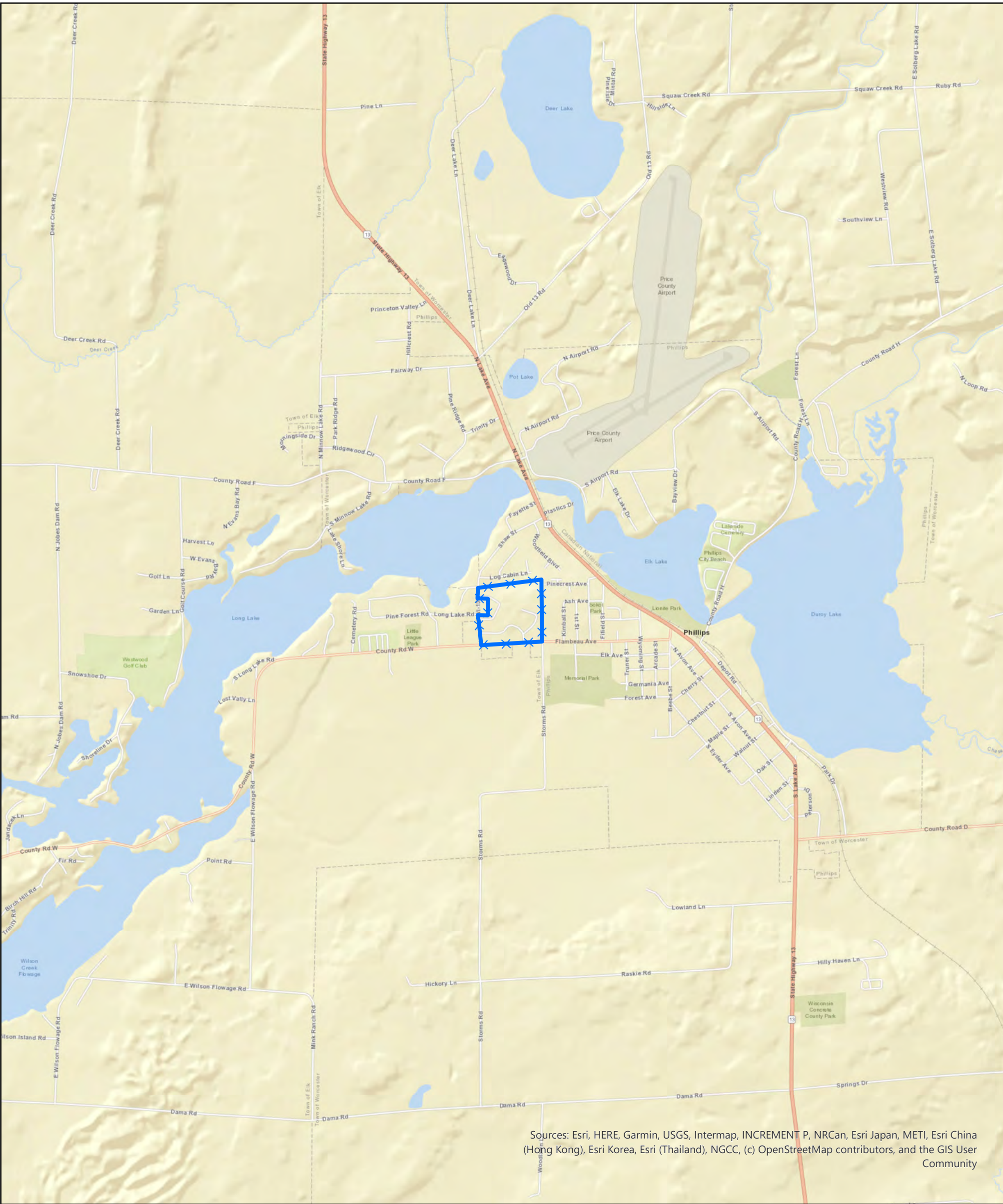
C. Additional comments to support AJD: [Wetland 1A is a hardwood swamp located within a large depression with a shallow woodland pond and a wet meadow. Wetland 1B, an upland-cut storm ditch, drains to the south and is directly connected to Wetland 1A. A culvert also connects/drains wetland 1A underneath Shaw Avenue to the west; this culvert connects directly to an upland-cut roadside ditch or non-jurisdictional \(exempt\) feature. No wetlands were identified to the west of Shaw Avenue.](#)

[Wetland 1B is a storm ditch that was excavated within upland soils and is about two to three feet deeper than the adjacent uplands. The storm ditch meets wetland criteria for hydrophytic vegetation, hydric soil, and wetland hydrology, and was identified in the wetland delineation report as an artificial stormwater swale.](#)

[Wetland 2 is a wet meadow within an artificial stormwater swale and is located entirely within the Site; wetland 2 drains stormwater directly into Wetland 1A via a short culvert. This storm ditch meets wetland criteria for hydrophytic vegetation, hydric soil, and wetland hydrology, and was identified in the wetland delineation report as an artificial stormwater swale.](#)

[Wetland 3 is a wet meadow within an artificial excavated roadside ditch, and is located entirely within the Site. The boundary for Wetland 3 is located along a topographic break within a roadside ditch; the wetland is connected to artificial Wetland 1B through a culvert under a driveway crossing. This excavated roadside ditch meets wetland criteria for hydrophytic vegetation, hydric soil, and wetland hydrology, and was identified in the wetland delineation report as an artificial excavated roadside ditch that is used to convey stormwater. A culvert connects Wetland 3 to the south of County Road W; it drains directly to a jurisdictional wetland located there.](#)

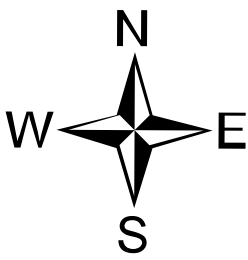
[Wetland 4 is a wet meadow within an artificial storm swale/depression, and is located entirely within the Site. The boundary for Wetland 4 is located along a topographic break within a depression. The depression is an improperly graded storm swale, and a depression has developed over time. The area holds water due to no outlet until water reaches a sufficient elevation. This wetland was identified in the wetland delineation report as an artificial storm swale/depression, and meets wetland criteria for hydrophytic vegetation, hydric soil, and wetland hydrology.](#)



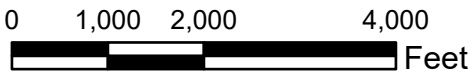
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

School District of Phillips
Site Location Map
990 Flambeau Avenue
City of Phillips
Price County, WI

Project: PRC20-003-01

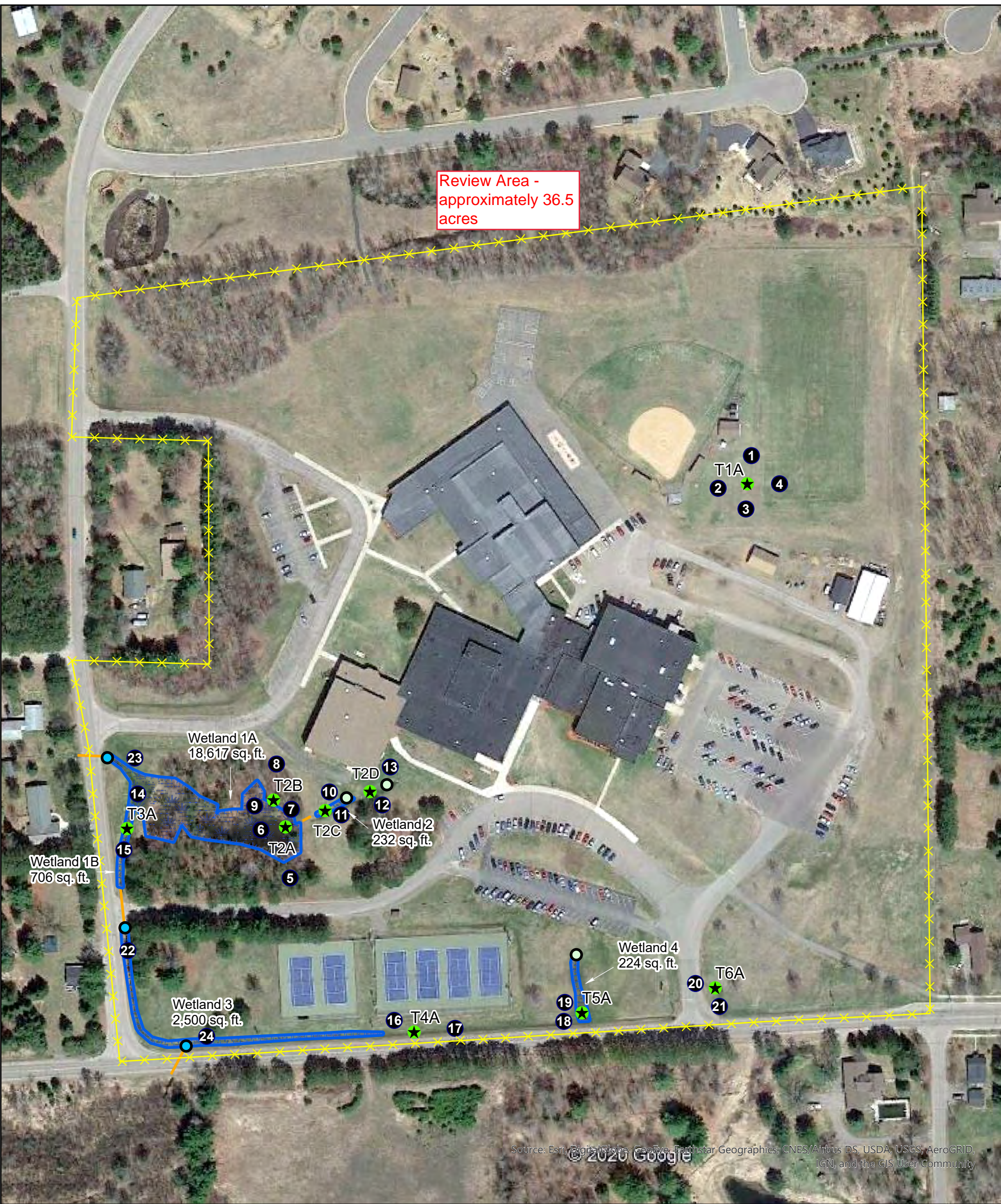


Legend
Site Boundary



2918 Van Hoof Road • Green Bay, WI 54313

Phone: 920.615.0019 • Website: www.evergreenwis.com



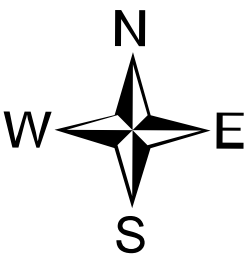
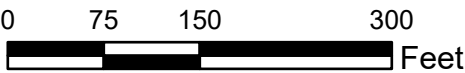
Legend

- Site Boundary
- Wetland Line
- Wetland
- Picture Location
- Culvert
- Storm Outlet
- Culvert
- Sample Point

Wetland Delineation was conducted by
Chad Fradette, EP, Chem,
WDNR Professionally Assured Wetland Delineator
with assistance from
Shyann Banker, Environmental Specialist

School District of Phillips
Wetland Delineation Map
990 Flambeau Avenue
City of Phillips
Price County, WI

Project: PRC20-003-01



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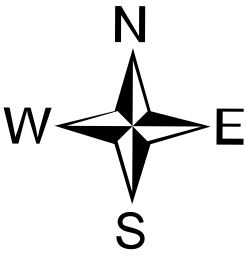
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Legend

- Site Boundary
- Wetland Line
- Wetland
- Culvert
- Storm Outlet
- Culvert
- Sample Point

**School District of Phillips
Wetland Delineation Map
990 Flambeau Avenue
City of Phillips
Price County, WI
-Southwest Corner-**



Wetland Delineation was conducted by
Chad Fradette, EP, Chem,
WDNR Professionally Assured Wetland Delineator
with assistance from
Shyann Banker, Environmental Specialist

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0 40 80 160
Feet

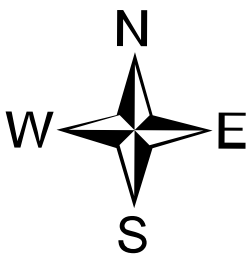




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

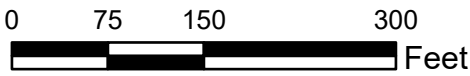
School District of Phillips
Topographic Map
990 Flambeau Avenue
City of Phillips
Price County, WI

Project: PRC20-003-01



Legend

- Site Boundary
- Wetland Line
- Wetland
- Parcels



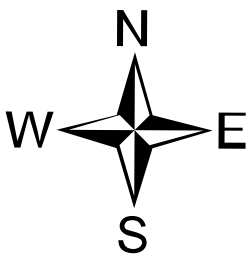
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School District of Phillips
Surface Water Data Viewer Map
990 Flambeau Avenue
City of Phillips
Price County, WI

Project: PRC20-003-01

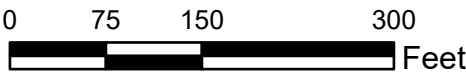


Legend

- Site Boundary
- Parcels

Wetland Indicators

- USDA Wetspots
- Maximum Extent Wetland Indicators



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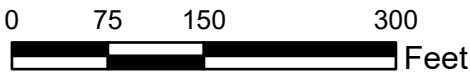
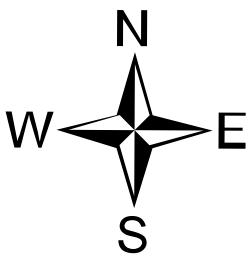
U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov,
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID,
IGN, and the GIS User Community

Legend

- Site Boundary
- Parcels
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

**School District of Phillips
National Wetland Inventory Map
990 Flambeau Avenue
City of Phillips
Price County, WI**

Project: PRC20-003-01



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