

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): March 8, 2023

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2023-00121-LAH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI County/parish/borough: Brown City: Lawrence

Center coordinates of site (lat/long in degree decimal format): Lat. 44.4424° N, Long. -88.1007°E

Universal Transverse Mercator: Zone 16N

Name of nearest waterbody: Ashwaubenon Creek

Name of watershed or Hydrologic Unit Code (HUC): Ashwaubenon Creek (040302040403)

☒ 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: March 6, 2023

☐ 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): The review area does not contain any waters of the US, based on a review of Wisconsin Wetland Inventory (WWI), USGS topography, Natural Resources Conservation Service (NRCS) hydric soil data, WI DNR Surface Water Data Viewer (SWDV), and historic aerial photos. The review area is located with Ashwaubenon Creek on its north and west boundaries, agricultural field to the south, commercial sites and associated parking lot and roads adjacent to the east. Much of the review area has been used as agricultural farm field. There are no stream or wetland features identified in the review area on SWDV, the USGS topo maps, or on WWI maps. The entire review area is located in non-hydric soils, upland of Ashwaubenon Creek at a 17' elevated embankment. Historic aerial photos do not show wet signatures on any portion of the review area.

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: Stormwater Management Plan submitted by Mach IV Engineering & Surveying LLC (January 2023)

- ☐ 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: **Lawrence Quadrangles**
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Brown County**
☐ 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): **Google Earth aerial photos (1992-2021)**
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☒ Other information (please specify): **WI DNR Surface Water Data Viewer**

B. ADDITIONAL COMMENTS TO SUPPORT JD: