



**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): 6/22/2020

ORM Number: MVP-2020-00962-JMB

Associated JDs: MVP-2018-00920-DJM dated 14 September 2018

Review Area Location¹: State/Territory: Wisconsin City: Cumberland County/Parish/Borough: Barron

Center Coordinates of Review Area: Latitude 45.52916 Longitude -92.04403

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.	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.	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.	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.	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
W-3, W-4, and W-6 through W-34 (31 wetlands in total)	38.05	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.

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: [Pre-application materials dated 1 June 2020](#)

This information [is](#) sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

☒ Photographs: [Other: Site photos in July 2017 Wetland Delineation Report](#)

☐ Corps site visit(s) conducted on: [Date\(s\)](#).

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [MVP-2018-00920-DJM dated 14 September 2018](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [NRCS Web Soil Survey](#)

☒ USFWS NWI maps: [Wetlands Mapper – 16 June 2020](#)

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

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

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

C. Additional comments to support AJD: [AJD MVP-2018-00920-DJM](#) (dated 14 September 2018) included W-1, W-2, and W-5, all of which are included within the Investigation Area for this AJD request. W-1, W-2, and W-5 were determined to be non-jurisdictional/isolated WOUS.

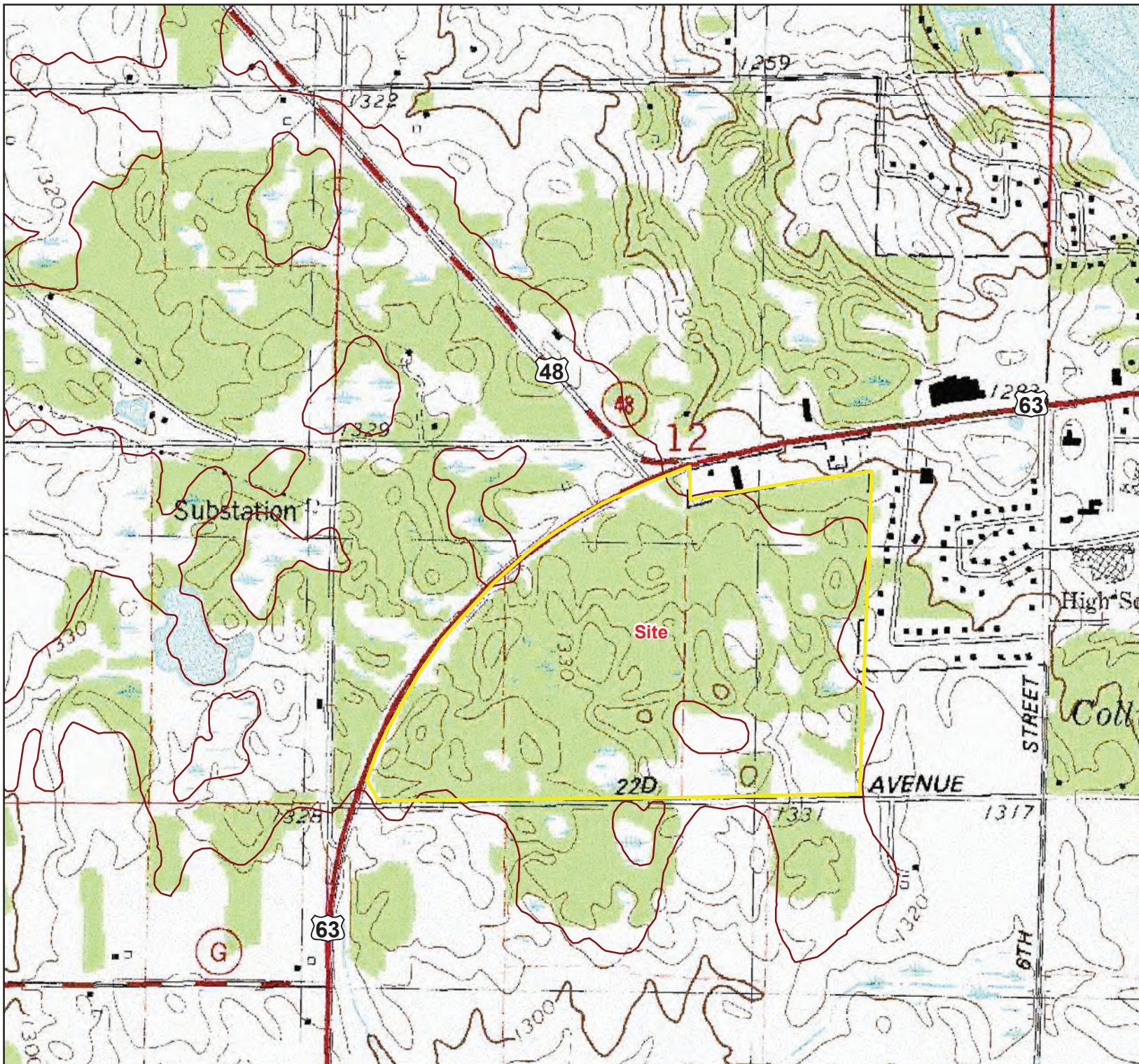
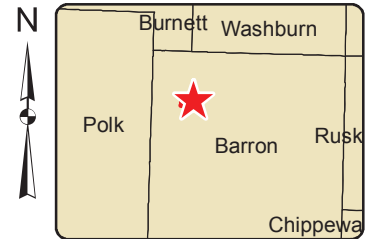


Figure 1. Site Location and Topography

Cumberland Business Park



Location

Section 12, T35N, R14W
Barron County, Wisconsin

0 500 1,000
Feet

Project Information

Project Number: 23-1697.00
Modified: July 5, 2017

Legend

Investigation Area

**AYRES
ASSOCIATES**

Sustainable solutions since 1959

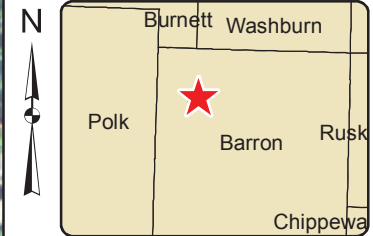
3433 Oakwood Hills Parkway
Eau Claire, Wisconsin 54701

Map Produced By: RJW



**Figure 3. Wisconsin
Wetland Inventory**

**Cumberland Business
Park**



Location
Section 12, T35N, R14W
Barron County, Wisconsin

0 240 480
Feet

Project Information
Project Number: 23-1697.00
Modified: July 5, 2017

Legend

- Investigation Area
- Hydric Soils
- WWI Wetlands

**AYRES
ASSOCIATES**

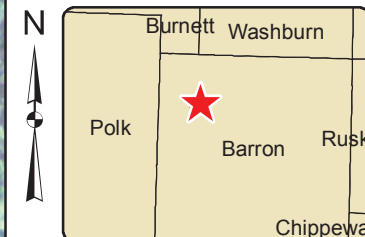
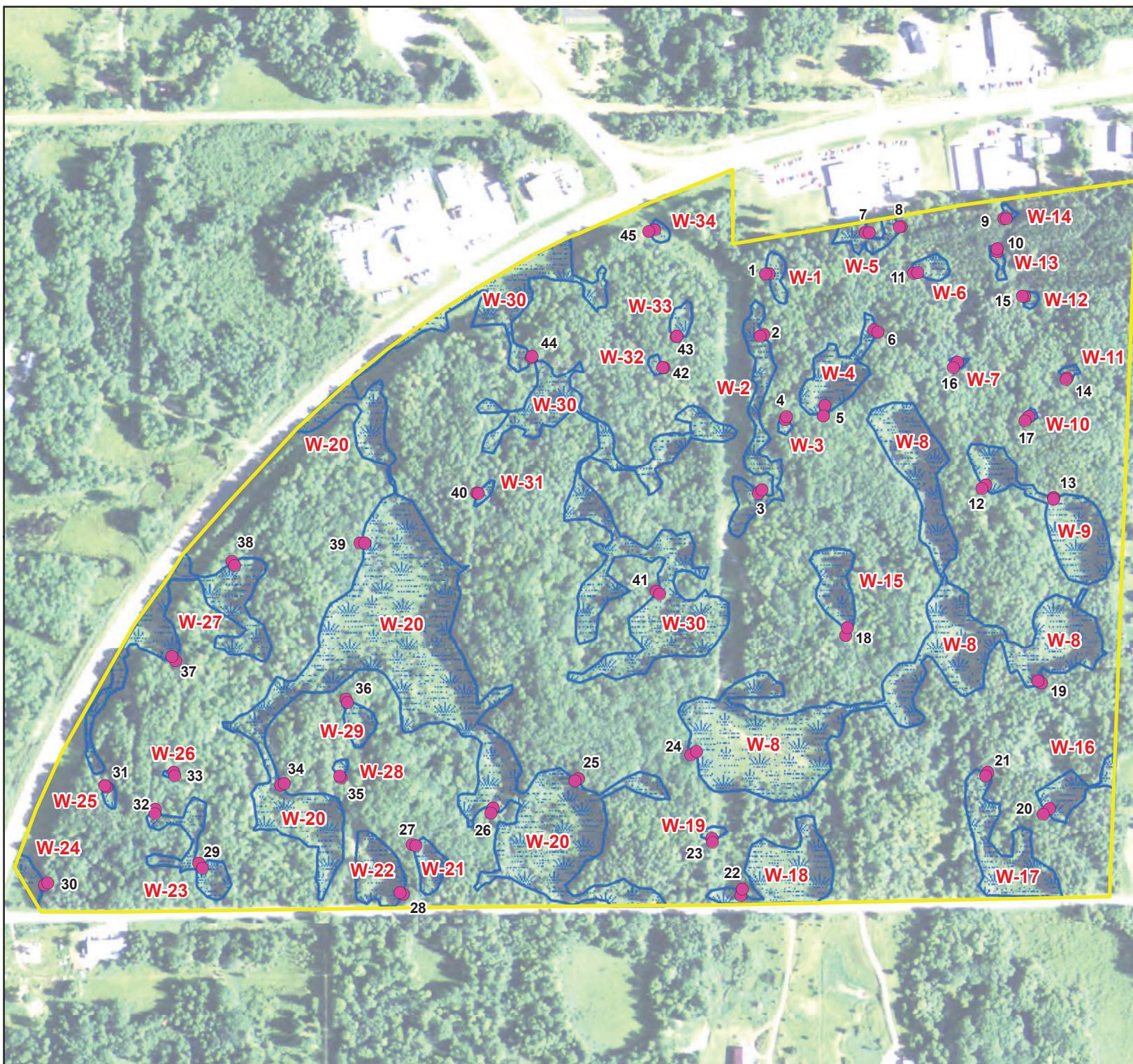
Sustainable solutions since 1959

3433 Oakwood Hills Parkway
Eau Claire, Wisconsin 54701

Map Produced By: RJW

**Figure 4. Wetland
Delineation Map**

**Cumberland Business
Park**



Location
Section 12, T35N, R14W
Barron County, Wisconsin

0 280 560
Feet

Project Information
Project Number: 23-1697.00
Modified: July 5, 2017

- Legend**
- Sample Points
 - 1 Sample Point ID (u/w)
 - Investigation Area
 - Wetland Boundary
 - W-1 Wetland ID

**AYRES
ASSOCIATES**

Sustainable solutions since 1959

3433 Oakwood Hills Parkway
Eau Claire, Wisconsin 54701

Map Produced By: RJW





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DRAWN BY: ALC		REVISIONS	
DATE:	05/27/2020	DATE:	DESCRIPTION:
DESIGNED BY:			
HORIZ. SCALE: 1" = 300'			
VERT. SCALE:			
PROJECT NO. CUMBE20001			

**UTILITY DEVELOPMENT
CUMBERLAND, WI**

PRELIMINARY OVERALL PLAN VIEW

**SHEET
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