



**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): 7/31/2020

ORM Number: MVP-2020-01197-JMB

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Maine County/Parish/Borough: Marathon

Center Coordinates of Review Area: Latitude 45.04756 Longitude -89.69851

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 Area 1	0.14	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 wetland investigated is located within an enclosed depression that has no surface water connections to intermittent or perennial tributaries. The investigated wetland is physically removed from the nearest A(1)-A(3) water, and there is no evidence that it is directly abutting an A(1) – A(3) water. The investigated wetland was determined to be hydrologically isolated and is 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: [Project materials submitted by applicant on 29 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 included in June 1, 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 – 22 July 2020](#)
- ☒ USGS topographic maps: [1:24K Maine](#)

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.



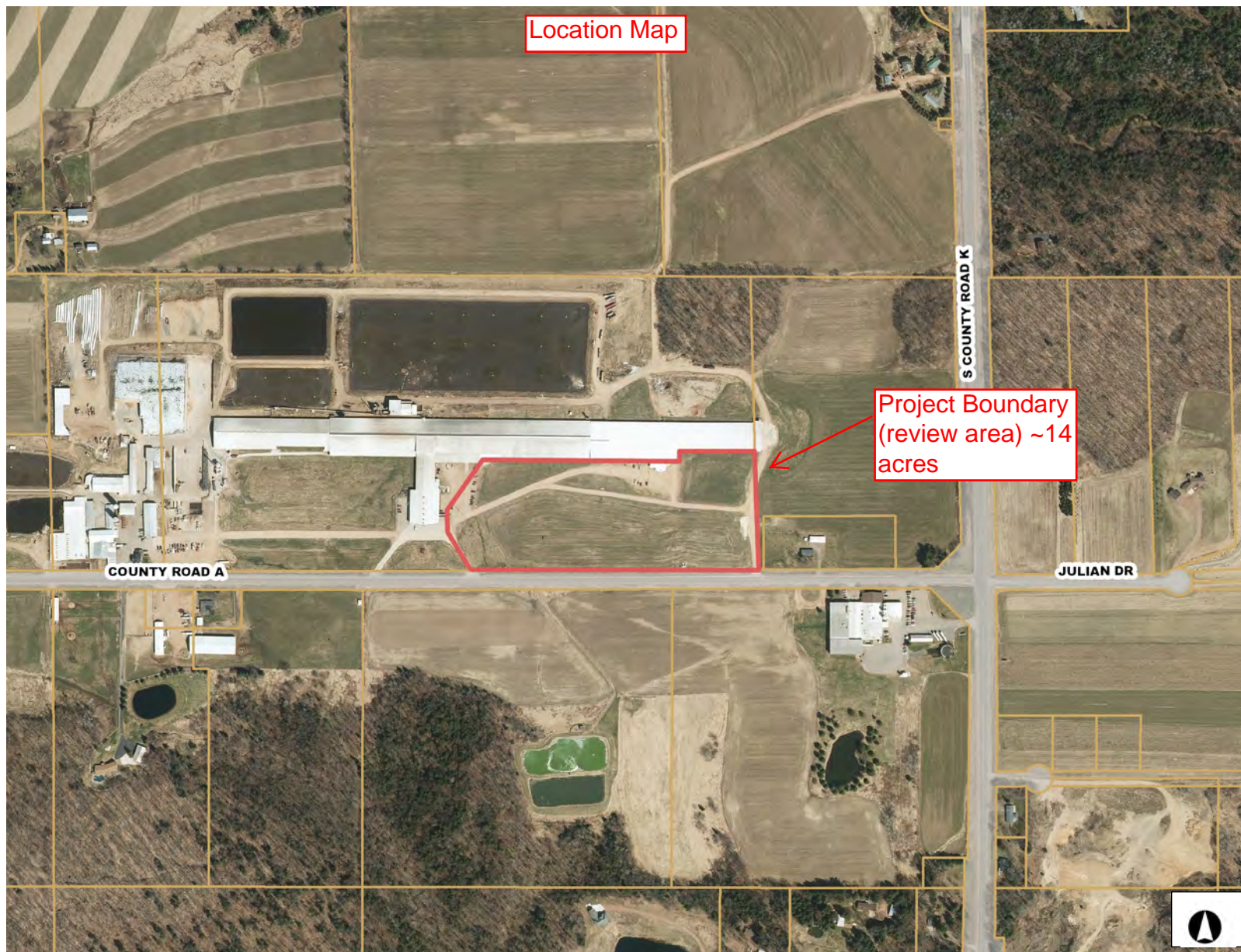
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B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The area receives overland run-off from a culvert located to the north that runs underneath an adjacent driveway. Soils throughout the project area have been compacted from heavy farm machinery.



Land Information Mapping System



Legend

- Parcels
- Land Hooks
- Right Of Ways
- 2015 Orthos
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Surrounding_Counties
- CLARK
- LANGLADE
- LINCOLN
- PORTAGE
- SHAWANO
- TAYLOR
- WAUPACA
- WOOD

322.19 0 322.19 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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Notes

Figure 1



Land Information Mapping System



Legend

- Parcels
- Land Hooks
- Right Of Ways
- NRCS Soils
- 2015 Orthos
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Surrounding_Counties
- CLARK
- LANGLADE
- LINCOLN
- PORTAGE
- SHAWANO
- TAYLOR
- WAUPACA
- WOOD

161.10 0 161.10 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

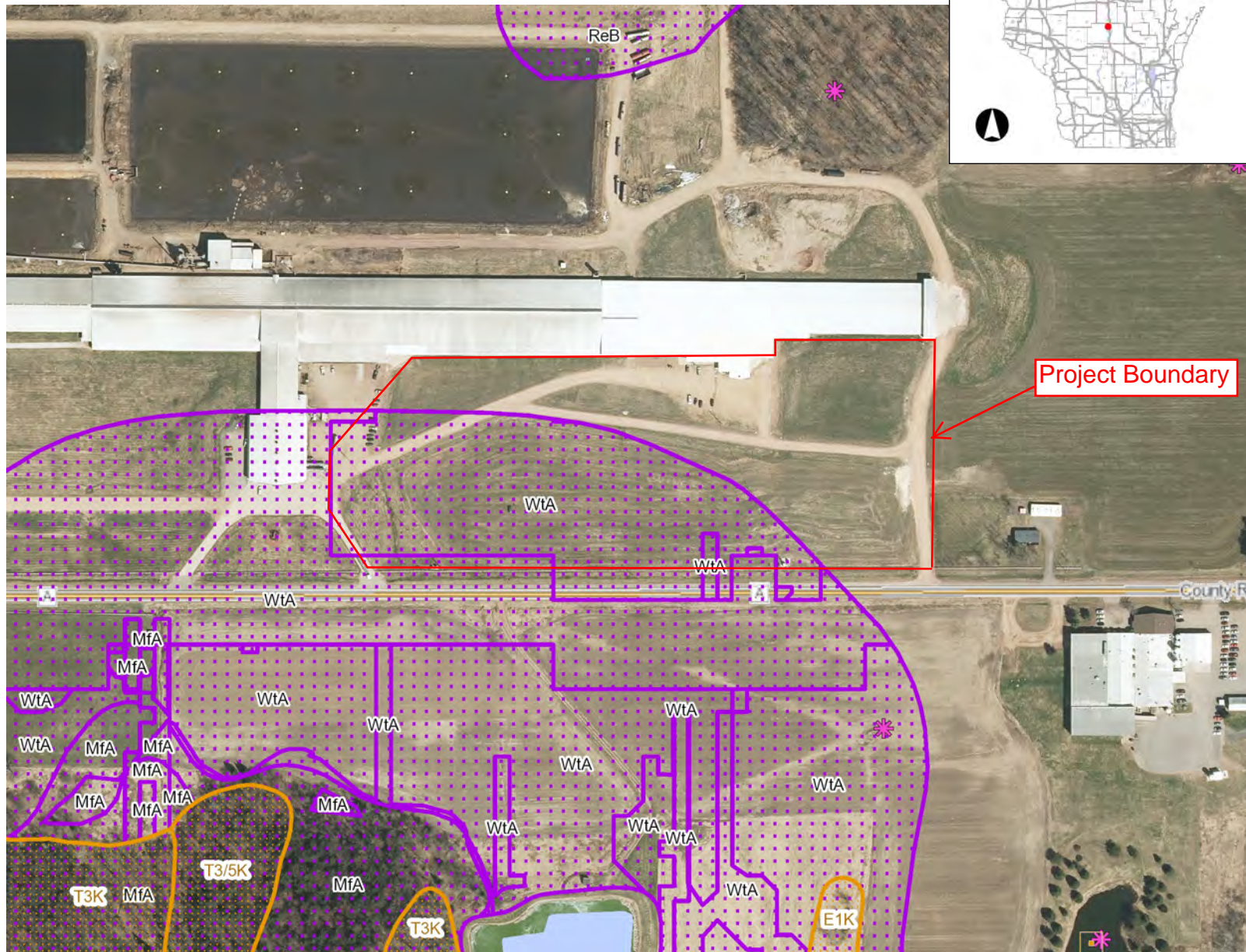
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Notes

Figure 2



Surface Water Data Viewer Map



Legend

- Wetland Identifications and Confirmations
 - Wetland Class Points
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
 - Filled Points
 - Wetland Class Areas
 - Wetland
 - Upland
 - Filled Areas
 - Wetland Class Points
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
 - Filled Points
 - Wetland Class Areas
 - Wetland
 - Upland
 - Filled Areas
 - NRCS Wetspots
 - Maximum Extent Wetland Indicators
 - Municipality
 - State Boundaries
 - County Boundaries
 - Major Roads
 - Interstate Highway
 - State Highway
 - US Highway
 - County and Local Roads

Notes

0.1 0 0.06 0.1 Miles

NAD_1983_HARN_Wisconsin_TM

1: 3,960

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Figure 4



Legend

- Parcels
- Land Hooks
- Right Of Ways
- County-wide 2ft Contours (2012)
- Index
- Intermediate
- 2015 Orthos
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Surrounding_Counties
- CLARK
- LANGLADE
- LINCOLN
- PORTAGE
- SHAWANO
- TAYLOR
- WAUPACA
- WOOD

Notes

161.10 0 161.10Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

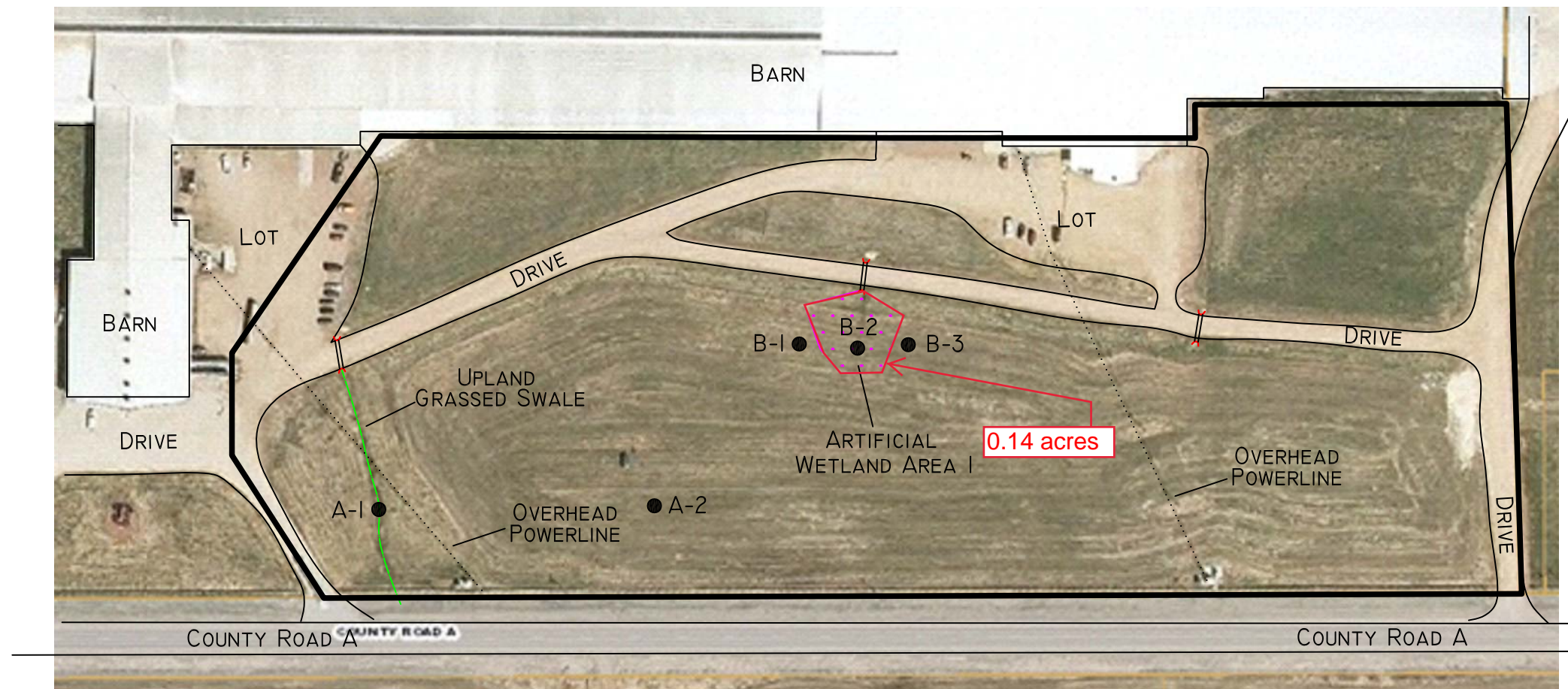
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Figure 5

WETLAND DELINEATION MAP

VAN DER GEEST MAINE DAIRY, LLC. PROPERTY LOCATED IN THE SE1/4, SECTION 29, TOWNSHIP 30 NORTH,
RANGE 7 EAST, VILLAGE OF MAINE, MARATHON COUNTY, WISCONSIN



ARTIFICIAL WETLAND AREA I
DEGRADED SEDGE MEADOW
6,147 SQUARE FEET

SCALE: 1" = 150' UNLESS NOTED

THIS IS NOT A CERTIFIED SURVEY MAP

LEGEND:

- | | | | |
|--|------------------|--|----------------------|
| | PROJECT BOUNDARY | | SAMPLE POINT |
| | WETLAND BOUNDARY | | CULVERT INLET/OUTLET |

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