



**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): 7/13/2020

ORM Number: MVP-2020-01119-MMG (Wetland 1, 2A, 2B, 3, 4, 5, 6 and 7)

Associated JDs: MVP-2020-00753-MHK

Review Area Location¹: State/Territory: Wisconsin City: Yorkville County/Parish/Borough: Racine

Center Coordinates of Review Area: Latitude 42.71037 Longitude -87.96214

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
- ☐ 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 1 Wetland 4	0.069 0.006	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Based on aerial photos, ground level photos in the wetland delineation report, and Google Earth Street View, aquatic resources labeled in the delineation report, Wetlands 1 and 4, are ditches that do not have perennial or intermittent flow and do not meet the criteria as (a)(1) or (a)(2) waters. There are no portions of these ditches that were constructed in an (a)(4) water. An intermittent tributary is mapped to the north of Wetland 1 and continued across the farm field to the east, however, this waterway no longer exists. Wetland 1 is bordered by a commercial building and parking lot to the north and a manmade constructed berm to the south as part of the overall site grading that occurred sometime in 2005 for the business park. Wetland 4 is a drainage swale that slopes to the east. The offsite portion of Wetland 4 was exempted under AJD MVP-2020-00753-MHK.
Wetland 2A Wetland 2B Wetland 3 Wetland 5 Wetland 6 Wetland 7	0.004 0.002 0.004 0.002 0.007 0.006		(b)(1) Non-adjacent wetland.	Wetland 2A, 2B, 3, 5, 6 and 7 do not abut at least one point or side of a (a)(1)-(3) water. Based on the U.S. Geological Survey, Racine County GIS 2-foot elevation contours, Sigma Group 1-foot elevation contour survey and FEMA map, this wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is no natural berm, bank, dune, or similar natural feature nor an artificial dike, barrier, or similar artificial structure physically separating this wetland from an (a)(1)-(3) water.

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: [Helianthus Wetland Delineation Report \(May 7, 2020\)](#)

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: [Aerial and Other: Racine County GIS/FSA/NAIP 1937, 1980-82, 1985-1991, 1993-2002, 2004-2008, 2010, 2011, 2014, 2015, 2017; ground level photos in delineation report](#)

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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- ☐ Corps site visit(s) conducted on: [Date\(s\)](#).
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): [2020-00753-MHK](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Racine County](#)
- ☐ USFWS NWI maps: [Title\(s\)](#) and/or date(s).
- ☒ USGS topographic maps: [1:24K WI-Sturtevant](#)

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	Wisconsin Wetland Inventory
Other Sources	Racine County GIS contour map

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

C. Additional comments to support AJD: [N/A](#)