



**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): 4/5/2021

ORM Number: MVP-2019-02249-KDZ

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Ridgeville County/Parish/Borough: Monroe

Center Coordinates of Review Area: Latitude 43.87768 Longitude -90.57441

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. | 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 |
| Wetland 1 | 0.59 | acre(s) | (b)(1) Non-adjacent wetland. | This determination is for Wetland 1 (W1) and an existing stormwater pond located in the approximately 15.6-acre review area as shown on MVP-2019-02249-KDZ, Figure 1. Based on a review of the Wisconsin Wetland Inventory, USGS Topographic Map, USDA-NRCS Soil Survey, and November 2018 Ecosystems, LLC Wetland Delineation Report, Wetland 1 is completely surrounded by uplands which eliminates a direct hydrologic connection with an NWPR tributary during a typical year. Wetland 1 is not located in a floodplain. Accordingly, Wetland 1 does not meet the NWPR definition of adjacency. The existing stormwater pond was constructed in an upland area and serves as stormwater retention for an existing landfill to the south. Therefore, the existing stormwater pond is an excluded water under the NWPR. |
| Stormwater Pond | 0.35 | 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. | |

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: **November 27, 2018 Ecosystems, LLC, Wetland Delineation Report and March 1, 2021 Permit Application Submittal.**

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: 2003, 2005, 2008, 2010, 2015, 2017, 2018**

☐ 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: **Monroe County**

☐ USFWS NWI maps: **Title(s) and/or date(s).**

☒ USGS topographic maps: **1:24k:Ridgeville**

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------|---|
| USGS Sources | NHD Data |
| USDA Sources | N/A. |

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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| Data Source (select) | Name and/or date and other relevant information |
|--|---|
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | WDNR Surface Water Data Viewer |
| Other Sources | N/A. |

B. Typical year assessment(s): [Antecedant precipitation analysis contained in November 2018 Ecosystems, LLC Wetland Delineation Report](#)

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