



**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): 12/4/2020

ORM Number: MVP-2020-01983-MWM

Associated JDs: N/A

Review Area Location¹: State/Territory: WI City: Village of Wrightstown County/Parish/Borough: Brown

Center Coordinates of Review Area: Latitude 44.313338 Longitude -88.160673

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	.092	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands do not abut an a(1)-(3) water and aren't inundated by flooding from an a(1)-(3) water in a typical year. A FEMA map layer shows that in response to a 500-year event, the review area is only in a low to moderate risk area of flooding. Wetlands are not separated from an a(1)-(3) water by a natural or artificial feature. Wetlands 2, 3, 4 are completely surrounded by upland and contained within the review area. Wetland 5 continues south off review area but does not connect to an a(1)-(3) water. Wetland 5 leads into a forested area surrounded by farmland, there is little change in elevation from the forested patch to the nearest tributary which is approximately 2,500 feet to the SW. There is a ditch along the south side of the forested area which appears to be in response to a manmade farm road and connects to natural swales on the field which appear to be in response to draining. There is no mapped feature on the farm field nor is there a defined bed and bank in the swales. Wetlands 1, 2, 3 and 6 are adjacent to a mapped unnamed tributary of Apple Creek however, there is not a defined bed and bank, the tributary is no longer there. The tributary was likely eliminated and turned into a grass swale associated with agriculture activities. Site photos show the grassed area without a defined bed and bank. Historical aerial photos show this as well. Wetland 1 and 6 continue off the review area, neither abut an a(1)-(3) water. Wetland 6 continues into the farm field to the south and continues to be a grass swale, aerial photos show the nearest tributary is approximately 1,200 feet to the southeast, the swale does not connect to the nearest tributary or another a(1)-(3) feature. Wetland 1 continues to a topographically low area near a storm water pond approximately 500 feet away. Review of</p>
Wetland 2	.043			
Wetland 3	.211			
Wetland 4	.08			
Wetland 5	.045			
Wetland 6	.042			

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			aerial photos and Google earth street view determined wetland 1 continues off site for approximately 35 feet before connecting to an upland swale (street view shows no OHMW) until it crosses to the NW side of Plum Road where it becomes a defined tributary. The closest a(1)-(3) water to wetland 1 is approximately 600 feet to the north.

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: [Shyann Banker, Evergreen Consultants LLC, 10/7/2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [N/A](#)

☐ Photographs: [Select.](#)

☐ Corps site visit(s) conducted on: [N/A](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

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

☐ USDA NRCS Soil Survey: [N/A](#)

☐ USFWS NWI maps: [N/A](#)

☐ USGS topographic maps: [N/A](#)

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	Surface Water Data Viewer
Other Sources	Google Earth Pro 2020, FEMA "Stay Dry and Flood Smart" Google Earth layer

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

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