



**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): 5/19/2021

ORM Number: MVP-2021-00023-MMG

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Franklin County/Parish/Borough: Milwaukee

Center Coordinates of Review Area: Latitude 42.91516 Longitude -88.006084

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 Wetland 2 Wetland 3	0.08 0.05 0.20	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 1, 2 and 3 do not abut at least one point or side of an (a)(1)-(3) water. There is no natural berm, bank, dune or similar artificial structure physically separating these wetlands from an (a)(1)-(3) water. The closest mapped water, the Root River, is located to the east of the review area at an elevation of approximately 715'. Wetlands 1, 2 and 3 are approximately 0.35 miles away in depressions located within the 752' elevation contour. Wetland 1 and 2 are wholly contained within the review area. Wetland 3 extends beyond the review area to the south and east as it connects into a mapped WWI wetland. Desktop resources including contour maps, WWI, hydric soils and aerial imagery are sufficient to demonstrate a consistent boundary and to evaluate jurisdiction. The contour maps show the mapped WWI wetland as a basin that receives drainage from wetland 3 to the west, Rawson Avenue runoff to the north and residential development drainage from the south and east. Based on the contour maps and aerial imagery, none of these wetlands have any inlets or outlets. Aerial imagery also shows a multi home residential subdivision separating these wetlands from the nearest waterway, the Root River. Soils maps show no hydric soils within the review area nor connecting the review area to the Root River and similarly Google Earth street view shows no roadside ditches connecting the delineated wetlands or the mapped WWI wetland to the Root River. Overland sheet flow from the surrounding landscape, which includes commercial and residential development on all sides, provides some hydrology to the wetland complexes. Based on the U.S. Geological Survey, 1-foot elevation contour map provided in the wetland delineation report, ESRI topographic map, Google Earth Streetview and the National Flood Hazard map showing the distance (0.35 miles) and elevation difference (37') between the wetlands and the Root River, these wetlands

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
			would not be flooded by an (a)(1)-(3) water in a typical year.

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: [Wetland Delineation Report by Wetland & Waterway Consulting, LLC dated November 6, 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: Aerial Imagery in application \(1937, 1967, 1980, 1990, 2000, 2005, 2015, 2020\), Ground level photos in application, Google Earth streetview photos](#)

☐ 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: [Milwaukee County](#)

☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

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

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 Surface Water Data Viewer, Wisconsin Wetland Inventory, National Flood Hazard Layer
Other Sources	Google Earth, ESRI topographic map

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

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