



**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): 2/23/2021

ORM Number: 2021-00071-JRS

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Howard County/Parish/Borough: Brown

Center Coordinates of Review Area: Latitude 44.5500 Longitude -88.0854

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 2-3	0.16	acre(s)	(b)(1) Non-adjacent wetland.	<p>The wetland delineation shows Wetland 2 is surrounded by uplands on 3 sides within the review area. The wetland continues north offsite until it transitions into upland in the agricultural field. Wet signatures in the wetland transition into dry signatures to the north. Soil maps also show a non-hydric soil unit directly north of the site. Topo maps show an elevation change to the north that further supports transition to upland. This wetland transitions to upland prior to abutting any a(1)-a(3) water with no man made structure bordering the wetlands that would separate it from any tributary.</p> <p>Wetland 3 is surrounded by uplands on 3 sides within the review area. The wetland continues offsite to the Southwest until it transitions to uplands in a residential lot. The wetland appears to end near the fill pad of a residential home. Topo maps also show an increase of elevation and soil maps show a transition to non-hydric soils. This wetland transitions to upland prior to abutting any a(1)-a(3) water. There is no man made structure beneath the residential lot that would connect the wetland to additional aquatic resources.</p> <p>The nearest mapped tributary (Duck Creek) is located approximately 770 ft. south of the project area. Topo maps show no natural feature separating the wetlands from this tributary.</p> <p>There is a mapped FEMA floodplain for this tributary. The wetlands are located out of this floodplain, concluding the wetlands would not be flooded by the tributary in a typical year.</p>
Wetland1	0.06	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	<p>The ditch is located at the toe of slope of Cardinal Lane. 1938 and 1960 Aerial photos, prior to ditch construction, show no evidence of saturated soils. The area is mapped with a minor hydric soil component, but topo maps do not show a landscape position where hydric soils</p>

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
		(a)(4) water that do not satisfy the conditions of (c)(1).	would be present. It has been determined that this feature was constructed in uplands. There is no tributary located within close proximity to this feature that would indicate this is re-located tributary.

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: [AJD Request Dated: 1/11/2021 and associated Evergreen Consultants Wetland Delineation Report Dated: 11/4/2020; Titled: Woodfield Court](#)

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: Located in 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: [Title\(s\) and/or date\(s\)](#).
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- ☒ USGS topographic maps: [Included in delineation report](#)

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.
Other state/local data (specify)	Brown Co. 2 foot contour maps.
FEMA/FIRM maps	FEMA Map Layer viewed in WDNR SWDV

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

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