



**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): 3/24/2021

ORM Number: MVP-2021-00420-JMB

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: WI City: Augusta County/Parish/Borough: Eau Claire

Center Coordinates of Review Area: Latitude 44.68605 Longitude -91.14069

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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.	

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1	0.10	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.	These wetlands were excavated in upland (as confirmed by the delineation of aquatic resources and historical photos) for the purpose of conveying storm water, based on information provided by the applicant. Therefore, Wetlands 1 and 2 are not considered to be waters of the U.S. and are not jurisdictional under Section 404 of the Clean Water Act.
Wetland 2	0.53	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: [Wetland Delineation Report dated 14 January 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: [Other: Site photos in January 2020 Wetland 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: [NRCS Web Soil Survey data](#)

☒ USFWS NWI maps: [Wetlands Mapper – 10 March 2021](#)

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

<sup>4</sup> 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.

<sup>5</sup> 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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**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	N/A.
Other Sources	LiDAR - WGXtreme

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** Based on air photos dating back to 1938, the project area was utilized as a racetrack and fairgrounds. In the 1981 FSA photo, two large school buildings, two smaller buildings, associated roads and parking lots, and athletic fields are present throughout the project area. In the 1989 photo, Bartig Road was realigned along the southern portion of the site near the intersection of State Highway 12. In the 1996 FSA photo, two baseball diamonds have been constructed in the northeast corner of the site. In the 1998 NAPP photo, an addition to the north side of the westernmost school building and associated grading activities are visible. A parking lot addition to the east side of the school building is also visible. It appears that the grading activities were likely associated with the construction of stormwater features, which include a swale along the new parking lot and a stormwater pond located northwest of the building addition. In the 2008 photo, a fallow field in the western portion of the site has been converted to a small agricultural crop field. No other changes are visible on more recent aerial photography.

Wetland 1 (emergent/fresh (wet) meadow) is located adjacent to a parking lot in the central portion of the project area; it is located within a swale feature that appears to be a constructed stormwater feature. The wetland is contained within the project area and a storm sewer inlet pipe is present on the northern end of the wetland. Wetland 1 appears to have been constructed in uplands ~1998, per historic air photos (not present on NWI, WWI, or other desktop resources).

Wetland 2 (emergent/fresh (wet) meadow) is located in the northwestern portion of the site within an infiltration basin that appears to be a constructed stormwater feature. The wetland is contained within the project area and a storm sewer inlet pipe is present on the east end while a stormwater outlet pipe is present on the west end. Wetland 2 appears to have been constructed in uplands ~1998, per historic air photos (not present on NWI, WWI, or other desktop resources).