



**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): 4/21/2021

ORM Number: 2021-00651-AJK

Associated JDs: N/A

Review Area Location¹: State/Territory: WI City: Jefferson County/Parish/Borough: Jefferson

Center Coordinates of Review Area: Latitude 43.00028 Longitude -88.80194

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.	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
W-1 W-2	3.80 0.65	acre(s)	(b)(1) Non-adjacent wetland.	<p>W-1 is a disturbed drainage corridor/wet meadow in the middle of an abandoned golf course. The wetland is surrounded by upland on all sides, as shown by: 1) 2-ft contours showing a clear low area in the landscape, 2) aerial photos showing clear wet signatures surrounded by upland fairway or residential neighborhoods, and 3) the delineation report's sample photos and transect points showing a clear boundary. There is one stormwater inlet on the very west side of W-1 north of East Green Street; however, Google Earth Street View photos show that this inlet does not provide a surface connection to a water of the US. Street View and aerial photos also show that there are no culvert structure connections under East Green Street, South Sanborn Avenue, or Fairway Circle that would connect W-1 to a water of the US.</p> <p>W-2 appears to be used as a stormwater pond, but it may have been constructed in wetland based on aerial photos and hydric soils. The wetland is surrounded on all sides by upland, based on 2-ft contours showing a clear basin, a lack of inlets/outlets other than overland sheet flow, and aerial photos showing the wet depression surrounded by upland fairway and residential lawns. Google Earth Street View shows that there are no culvert structures under Fairway Circle or Brickyard Court that would connect W-2 to a water of the US.</p> <p>The nearest tributary to either wetland is the Rock River, about 1,300 feet SW of W-1 and 730 feet SW of W-2 and over 10 feet lower in elevation (792' to ~780'). According to FEMA's National Flood Hazard Layer, W-1 is in the Area of Minimal Flood Hazard. W-2 is in the Zone of 0.2% Annual Flood Hazard. Therefore, these wetlands would not be flooded by an (a)(1)-(a)(3) water in a typical year.</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
			Aerial photos and Google Earth Street View show that there are no artificial or natural barriers separating these wetlands from an (a)(1)-(a)(3) water. The roads that are close to the wetland boundaries do not provide culvert connections (details described above).

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: [Autumn Brook Ecology LLC Wetland Delineation Report, June 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: Historic aerial photographs \(1996-2018\), ground level site photos from delineation report, Google Earth Street View](#)
- ☐ 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: [Jefferson County](#)
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- ☒ USGS topographic maps: [Jefferson Quadrangles](#)

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 wetland inventory maps	Wisconsin Wetland Inventory
FEMA/FIRM maps	FEMA National Flood Hazard Layer
Other information (specify)	Jefferson County 2-ft contours

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

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