



**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): 8/19/2021

ORM Number: MVP-2021-01366-CJH

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Garfield County/Parish/Borough: Polk

Center Coordinates of Review Area: Latitude 45.3553 Longitude -92.4925

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
Wetland A	.27	acre(s)	(b)(1) Non-adjacent wetland.	The review area consists of a 45-acre parcel, consisting of open agricultural lands with rolling topography, consisting of hay field, feed lot and granular material storage as shown in MVP-2021-01366-CJH, Figure 1-2. Based on a review of the Wisconsin Wetland Inventory, USGS Stream stats, National Wetland Inventory, USDA-NRCS Soil Survey, and June 30, 2021 Bopray Environmental Wetland Delineation Report, Wetland A is a small, isolated depressional wetland. The nearest NWPR (a)(1)-(3) water is located approximately 2 miles east of the review area. Wetland A does not meet the NWPR adjacency definition, therefore is not a jurisdictional water of the U.S.
Wetland B	1.4	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	The review area consists of a 45-acre parcel, consisting of open agricultural lands with rolling topography, consisting of hay field, feed lot and granular material storage as shown in MVP-2021-01366-CJH, Figure 1-2. Based on a review of the Wisconsin Wetland Inventory, USGS Stream stats, National Wetland Inventory, USDA-NRCS Soil Survey, and June 30, 2021 Bopray Environmental Wetland Delineation Report, Wetland B is a man-made farm pond. The nearest NWPR (a)(1)-(3) water is located approximately 2 miles east of the review area. The grass waterway that provides drainage to the south of Wetland B terminates in uplands and does not contain wetland characteristics. Wetland B does not impound a NWPR jurisdictional water, therefore is not a jurisdictional water of the U.S.
Pond 1	.35	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a	This part of the review area has been drastically altered by previous farm improvement projects. Prior to 2012 this area was a crop field (as confirmed by historic aerial photos/June 30, 2021 Bopray Environmental Wetland Delineation Report). This artificial wetland is a

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
			non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	leachate/runoff pond excavated between 2016/2017. Subsequent grading within this feedlot has directed flow into the leachate/runoff pond, based on information provided in the June 30, 2021 Bopray Environmental Wetland Delineation Report. Therefore, the stormwater pond is not considered to be a water of the U.S. and is not jurisdictional under NWPR, Section 404 of the Clean Water Act.
Ditch 1	780	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. (b)(1) Non-adjacent wetland.	This part of the review area has been drastically altered by previous farm improvement projects. Prior to 2012 this area was a crop field (as confirmed by historic aerial photos/June 30, 2021 Bopray Environmental Wetland Delineation Report). These conveyance ditches were excavated in uplands to provide drainage within the feedlot area. Therefore, these ditches are not considered to be a water of the U.S. and is not jurisdictional under NWPR, Section 404 of the Clean Water Act.
Ditch 2	285	linear feet		

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: [Bopray Environmental Wetland Delineation Report, June 30, 2021.](#)

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 June 2021 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: [Regulatory Viewer, August 17, 2021.](#)
- ☒ USFWS NWI maps: [Regulatory Viewer, August 17, 2021.](#)
- ☐ USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Stream stats	August 17, 2021.
USDA Sources	N/A.
NOAA Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

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