SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): MAY 11 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Nucor Cold Finish WI, Inc., MVP-2012-01714-ANM

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI  County/parish/borough: Milwaukee  City: Oak Creek

Center coordinates of site (lat/long in degree decimal format): Lat. 42.912617° N, Long. -87.917161° W.

Universal Transverse Mercator: Zone 16 (X 425137.617008, Y 4751519.157634)

Name of nearest waterbody: North Branch Oak Creek

Name of watershed or Hydrologic Unit Code (HUC): Great Lakes Region (04040002)

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: March 23, 2018

☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: The review areas contains linear ditches (Wetland B and portions of Wetland C), three stormwater detention basins (Wetland A, E and portion of Wetland C), and six waterfilled depressions (Wetland F, G, H, I, J and portion of Wetland C) created in upland and are not waters of the U.S. This was confirmed by reviewing the 1999 Fort Howard Steel grading and erosion control plan, 2012 and 2017 Wetland & Waterway Consulting, LLC delineation reports, WWI, and aerial photographs from 1937 to 2017. The ditches do not have relatively permanent flow of water and were created in upland for agricultural purposes before 1937 and as a result of railroad construction between 1970-1980. The three detention basins (Wetlands A, E and portion of C) were constructed in upland between 2000-2005. Two of the basins (Wetlands A and a portion of C) appear on the 1999 grading and erosion control plan and the third basin (Wetland E) was constructed as a sediment trap. All of the waterfilled depressions formed as a result of grading activities occurring between 2000-2005. The determination of no jurisdiction for the ditches, stormwater detention basins, and waterfilled depressions is in accordance with the 2008 Rapanos guidance and the preamble to the 1985 Corps Regulations (33 CFR Parts 320-330), which states that the Corps does not generally consider the following to be waters of the U.S.; non-tidal drainage and irrigation ditches excavated on dry land, artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing, and waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States (see 33 CFR 328.3(a)).

1 Supporting documentation is presented in Section III.F.
SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
   □ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
   □ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
   □ Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
   □ Waters do not meet the “Significant Nexus” standard; where such a finding is required for jurisdiction. Explain:

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
□ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
□ Lakes/ponds: acres.
□ Other non-wetland waters: acres. List type of aquatic resource: .
□ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):
□ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
□ Lakes/ponds: acres.
□ Other non-wetland waters: acres. List type of aquatic resource: .
□ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
□ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: 1999 Fort Howard Steel grading and erosion control plan, 2012 and 2017 Waterway and Wetland Consulting, LLC wetland delineations
□ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
□ Office concurs with data sheets/delineation report.
□ Office does not concur with data sheets/delineation report.
□ Data sheets prepared by the Corps:
□ Corps navigable waters’ study:
□ U.S. Geological Survey Hydrologic Atlas:
□ USGS NHD data.
□ USGS 8 and 12 digit HUC maps.
□ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K WI-Greendale
□ USDA Natural Resources Conservation Service Soil Survey. Citation:
□ National wetlands inventory map(s). Cite name:
□ State/Local wetland inventory map(s): Wisconsin Wetland Inventory
□ FEMA/FIRM maps:
□ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
□ Other (Name & Date): ground level photos in delineations
□ Previous determination(s). File no. and date of response letter.
Wetlands located in designated area at NUCOR COLD FINISH WI., INC.: Being part of the Northeast ¼ of Section 8, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

The wetlands delineated by Wetland & Waterway Consulting, LLC. were located under my direction, and the map hereon drawn is a correct representation thereof to the best of my knowledge and belief.

________________________________________

July 20, 2017

DATE

REVISION

BY

NO.

SHEET

PROJ. MGR:

DRAFTED:

DATE:

CHECKED:

DATE:

NUCOR COLD FINISH WI., INC.

WETLAND DELINEATION MAP

FOR

NUCOR COLD FINISH WISCONSIN, INC.

CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

EXISTING BUILDING

S. 6TH STREET

W. BURKHARD COURT

WETLAND NOTE

WETLANDS LOCATED BY DAVE MEYER OF WETLAND & WATERWAY CONSULTING, LLC. ON MAY 19, 2017.

BEARING BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE.

ALL ELEVATIONS REFER TO NATIONAL GEODETIC DATUM OF 1929.

WETLAND DATA

2017 WETLAND DELINEATION

DELIENATION LIMITS (2017): 17.40 ACRES

WETLAND A: 0.106 ACRES

WETLAND B: 0.307 ACRES

WETLAND C: 0.454 ACRES

WETLAND D: 0.363 ACRES

WETLAND E: 0.026 ACRES

WETLAND F: 0.011 ACRES

WETLAND G: 0.008 ACRES

WETLAND H: 0.054 ACRES

WETLAND I: 0.026 ACRES

WETLAND J: 0.036 ACRES

MVP-2012-01714-ANM Figure 1