



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
ST. PAUL DISTRICT OFFICE
332 MINNESOTA STREET SUITE E1500
ST. PAUL MINNESOTA 55101

MVP-R

June 30, 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the “Revised Definition of ‘Waters of the United States’”; (88 FR 3004 (January 18, 2023) as amended by the “Revised Definition of ‘Waters of the United States’; Conforming” (8 September 2023) ,¹ MVP-2016-02672-RJH (MFR 2 of 2)²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army (“the agencies”) published the “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”). On September 8, 2023, the agencies published the “Revised Definition of ‘Waters of the United States’; Conforming”, which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) (“*Sackett*”).

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended,

¹ While the Revised Definition of “Waters of the United States”; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Name of Aquatic Resource	JD or Non-JD	Section 404/Section 10
Wetland 1	Non-Jurisdictional	None
Wetland 2	Non-Jurisdictional	None
Wetland 3	Non-Jurisdictional	None
Wetland 4	Non-Jurisdictional	None
Wetland 5	Non-Jurisdictional	None

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- d. Memorandum To the Field Between the U.S. Department Of The Army, U.S. Army Corps Of Engineers And The U.S. Environmental Protection Agency Concerning The Proper Implementation Of 'Continuous Surface Connection' Under The Definition Of "Waters Of The United States" Under The Clean Water Act" (March 12, 2025)

3. REVIEW AREA.

- a. Project Are Size (in acres): 13.05
- b. Location Description: The project/review area is located in Section 35, Township 23, Range 20, Brown County, Wisconsin.
- c. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 44.416000 Longitude: -88.036280
- d. Nearest City or Town: De Pere

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e. County: Brown

f. State: Wisconsin

g. Other associated Jurisdictional Determinations (including outcomes):

Action ID	Type	Outcome
MVP-2016-02672-RJH	AJD	8/10/2020- Wetland 22-1 was determine non-jurisdictional

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. [NA]⁶
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. [NA]
6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸
N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used.

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
- b. The Territorial Seas (a)(1)(ii): N/A
- c. Interstate Waters (a)(1)(iii): N/A
- d. Impoundments (a)(2): N/A
- e. Tributaries (a)(3): N/A
- f. Adjacent Wetlands (a)(4): N/A
- g. Additional Waters (a)(5): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁹ [N/A]
- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

We have reviewed and evaluated the historical photography, Google Earth photography, Google Street View, soil mapping, and the information submitted by the applicant for the following wetlands:

- Wetland 1
- Wetland 2
- Wetland 3
- Wetland 4

⁹ 88 FR 3004 (January 18, 2023)

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- Wetland 5

Wetland 1 appears to be a vegetated linear feature bordering part of the parcel that has been historically farmed and graded. The boundary of this wetland follows a distinct topographic break, which corresponds with shifts in vegetation. The feature does not appear to maintain a surface water connection, bed and bank, or an OHWM and is not a relatively permanent water. Wetland 1 is entirely surrounded by uplands and does not abut any other waterbody.

Wetlands 2, 3, 4 & 5 are depressional wet meadow wetlands situated within an vacant field along Heritage Road. The boundaries of these wetlands follow distinct topographic breaks, which corresponds with shifts in vegetation. Based on LiDAR and aerial review, Wetlands 2, 3, 4, & 5 are entirely surrounded by uplands and do not abut any other waterbody.

There is one mapped tributary, an unnamed tributary to East River, located outside of the review area. The unnamed tributary is located approximately 938 feet northwest of Wetland 1. Wetland 1 does not abut this tributary or any other relatively permanent water.

Wetlands 1- 5 are not traditionally navigable waters (TNWs), territorial seas, or interstate waters, and do not meet the criteria for (a)(1) waters. Wetlands 1-5 do not physically abut a relatively permanent water, are not located within a paragraph (a)(2) impoundment, and are not adjacent to a jurisdictional (a)(3) tributary. As non-tidal wetlands that do not meet the definition of “adjacent,” Wetlands 1-5 cannot be evaluated under paragraph (a)(4). Therefore, under the 2023 Revised Definition of “Waters of the United States” (Conforming Rule, 88 FR 61964), Wetlands A, B, and C are not considered jurisdictional.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

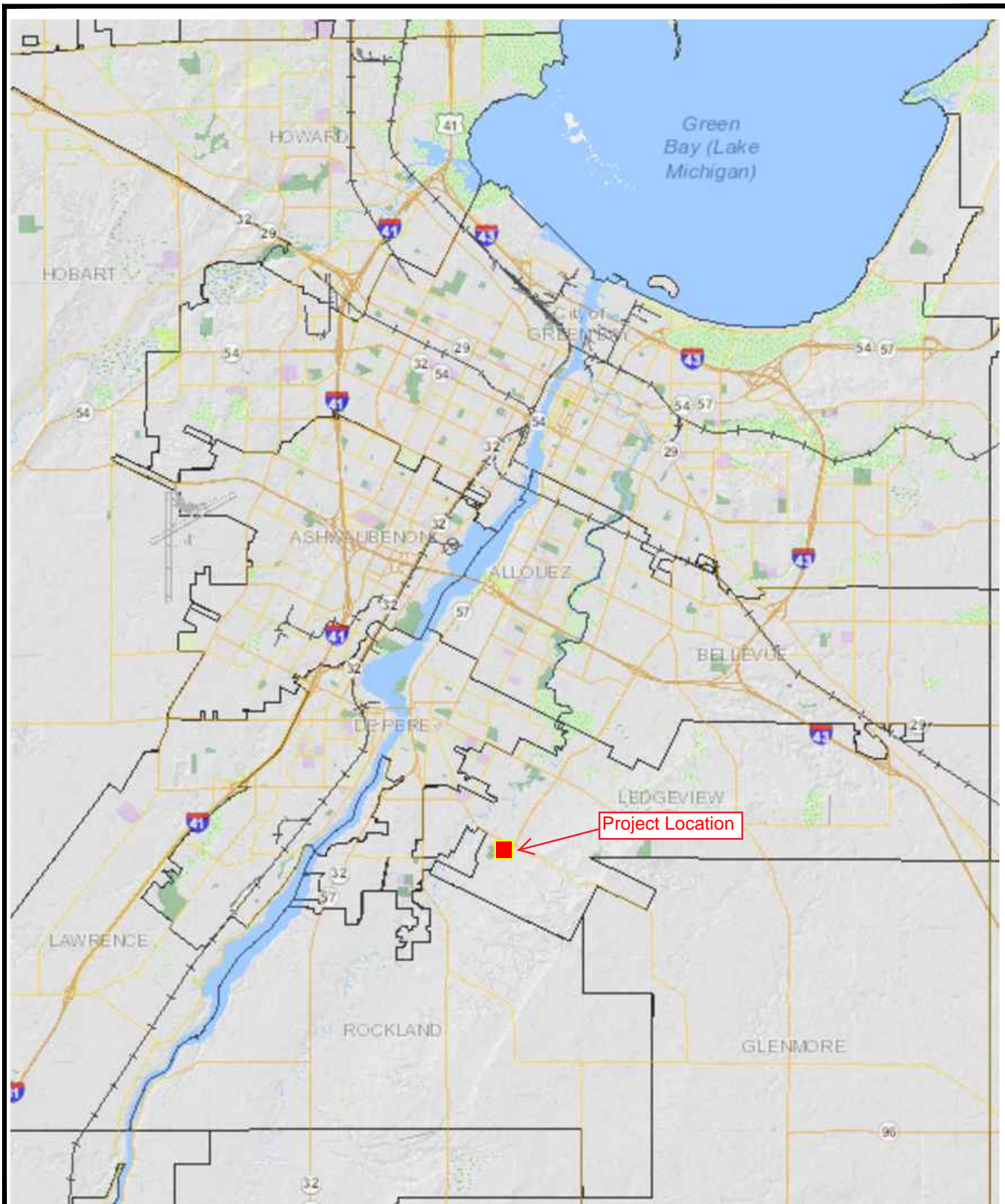
- a. [Office evaluation conducted June 29, 2026]
- b. [National Regulatory Viewer – USA Soils Hydric Class layer, National Wetland
- c. Inventory layer, Hillshade layer and DEM layer accessed on June 29, 2026.]
- d. [Wetland Delineation Report, prepared by George & Holt dated October 2025.]

10. OTHER SUPPORTING INFORMATION. [N/A]

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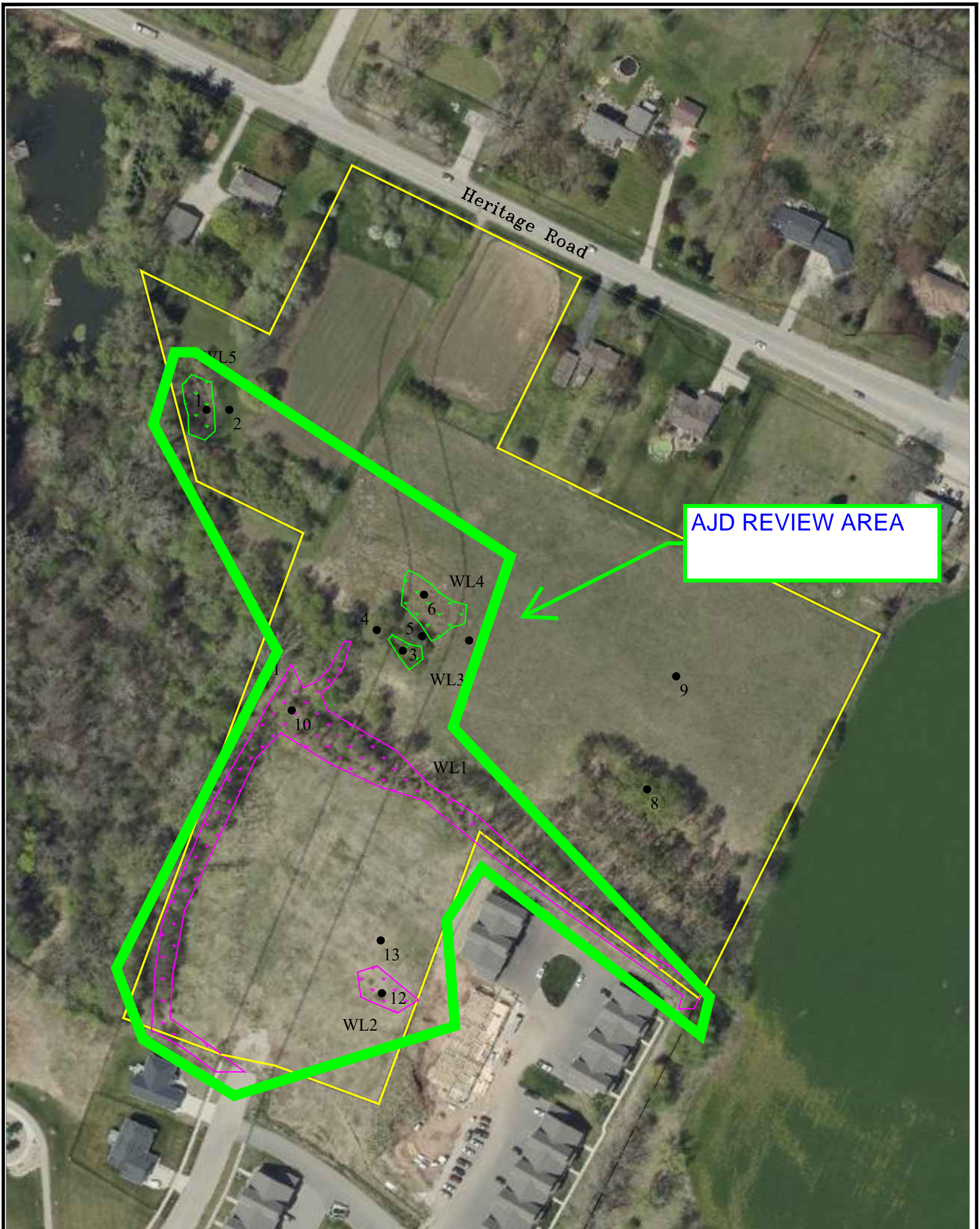
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



6350 Nero Lane Sobieski, WI 54171 920-822-9918
georgeandholdt.com

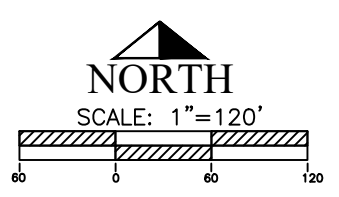
Project Location

PC 39,T23N-R20E
Town of Ledgerview
Brown County



- Key**
- Transect Point
 - Wetland Boundary
 - Wetland Boundary (2016 Recert.)
 - Project Boundary

- Wetlands**
- WL1 = 0.67 Ac.
 - WL2 = 2583 Sq Ft
 - WL3 = 960 Sq Ft
 - WL4 = 4018 Sq Ft
 - WL5 = 2619 Sq Ft



Benbarto Properties LLC
2143 S Webster Avenue
Green Bay, WI 54301

Tax Parcel #D-395-3, D-2028
Private Claim 39,T23N-R20E
Town of Ledgeview
Brown County

TOWN OF LEDGEVIEW

BROWN COUNTY, WISCONSIN

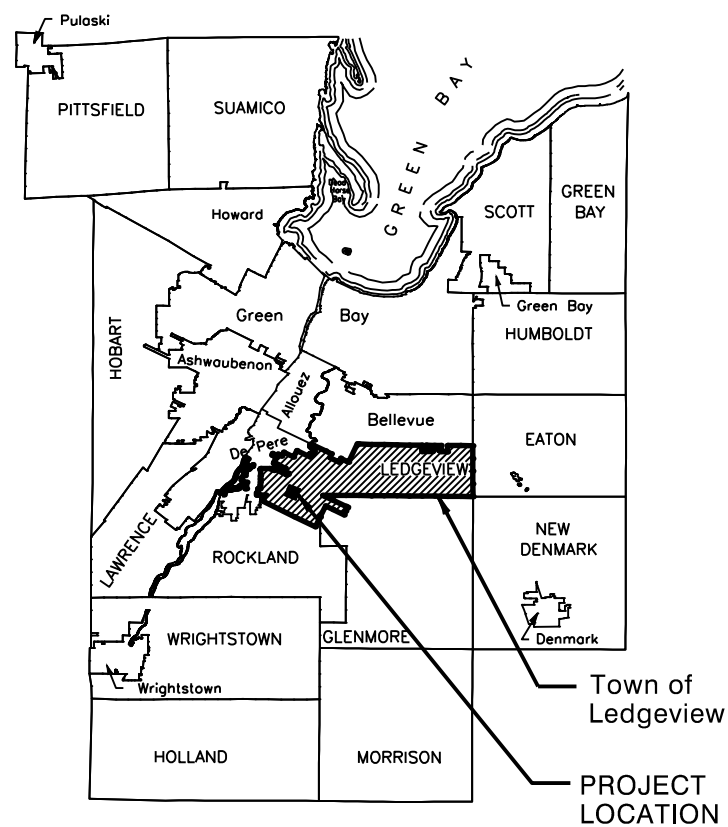
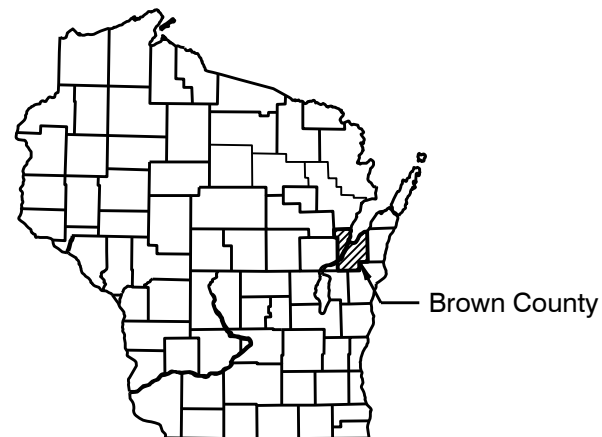


TRELLIS DRIVE

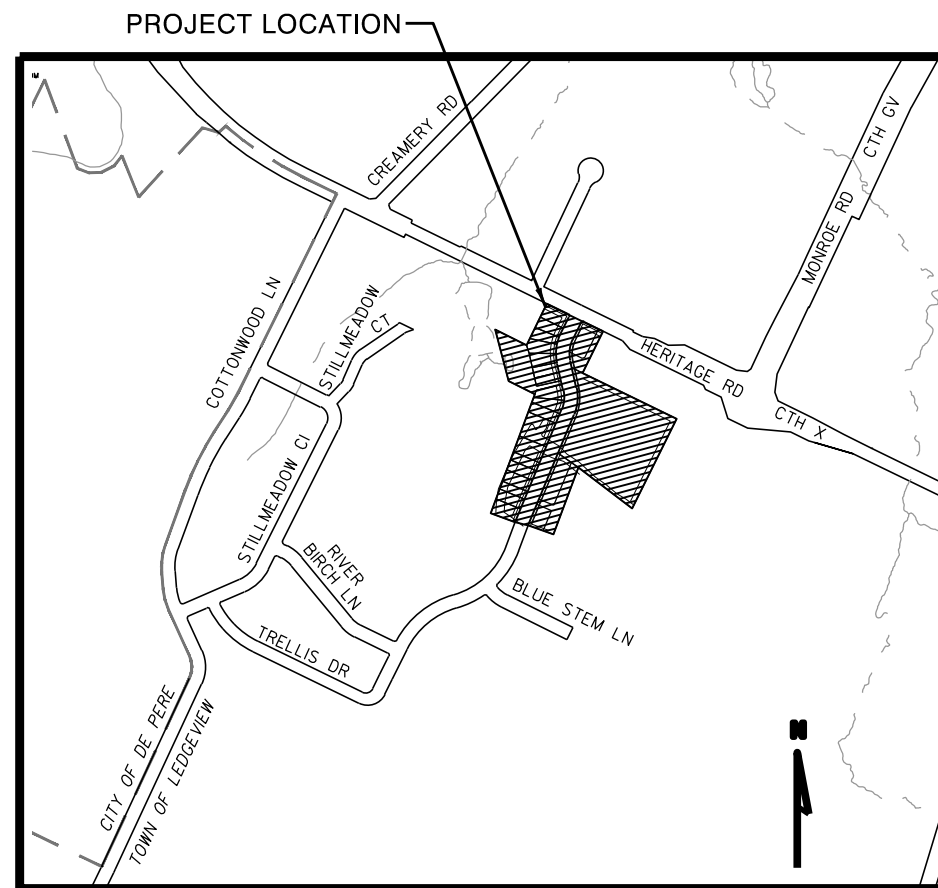
SANITARY SEWER, WATER MAIN,
STORM SEWER AND STREET CONSTRUCTION

2026

CONTRACT "A-2026"

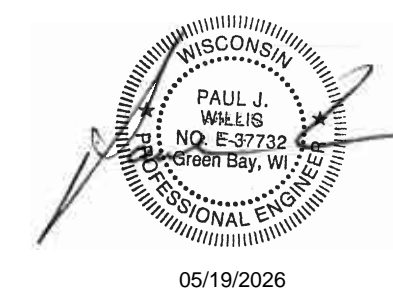


BROWN COUNTY



LOCATION MAP

INDEX		
SHEET	NO.	DESCRIPTION
G-001	1	TITLE SHEET
G-021	2	GENERAL NOTES
C-021	3	GRADING AND EROSION CONTROL PLAN
C-101	4	BACKLOT DRAINAGE AND TOP OF FOUNDATION PLAN
C-201 to C-204	5-8	PLAN AND PROFILE - TRELLIS DRIVE
C-141	9	INTERSECTION DETAILS
C-501 to C-502	10-11	POND #61 DETAILS
C-503 to C-508	12-117	CONSTRUCTION DETAILS
C-509 to C-511	18-20	EROSION CONTROL DETAILS
C-901 to C-908	21-28	CROSS SECTIONS - TRELLIS DRIVE
C-909 to C-910	29-30	CROSS SECTIONS - HERITAGE ROAD (CTH X)



LEDGEVIEW SANITARY DISTRICT NO. 2

TITLE SHEET

ISSUED FOR BID
MAY 19, 2026

MSH NO.: 1216300-242610.01
DATE: 05/2026
DESIGNED BY: PJW
DRAWN BY: RMS
CHECKED BY: SRB
DO NOT SCALE DRAWINGS

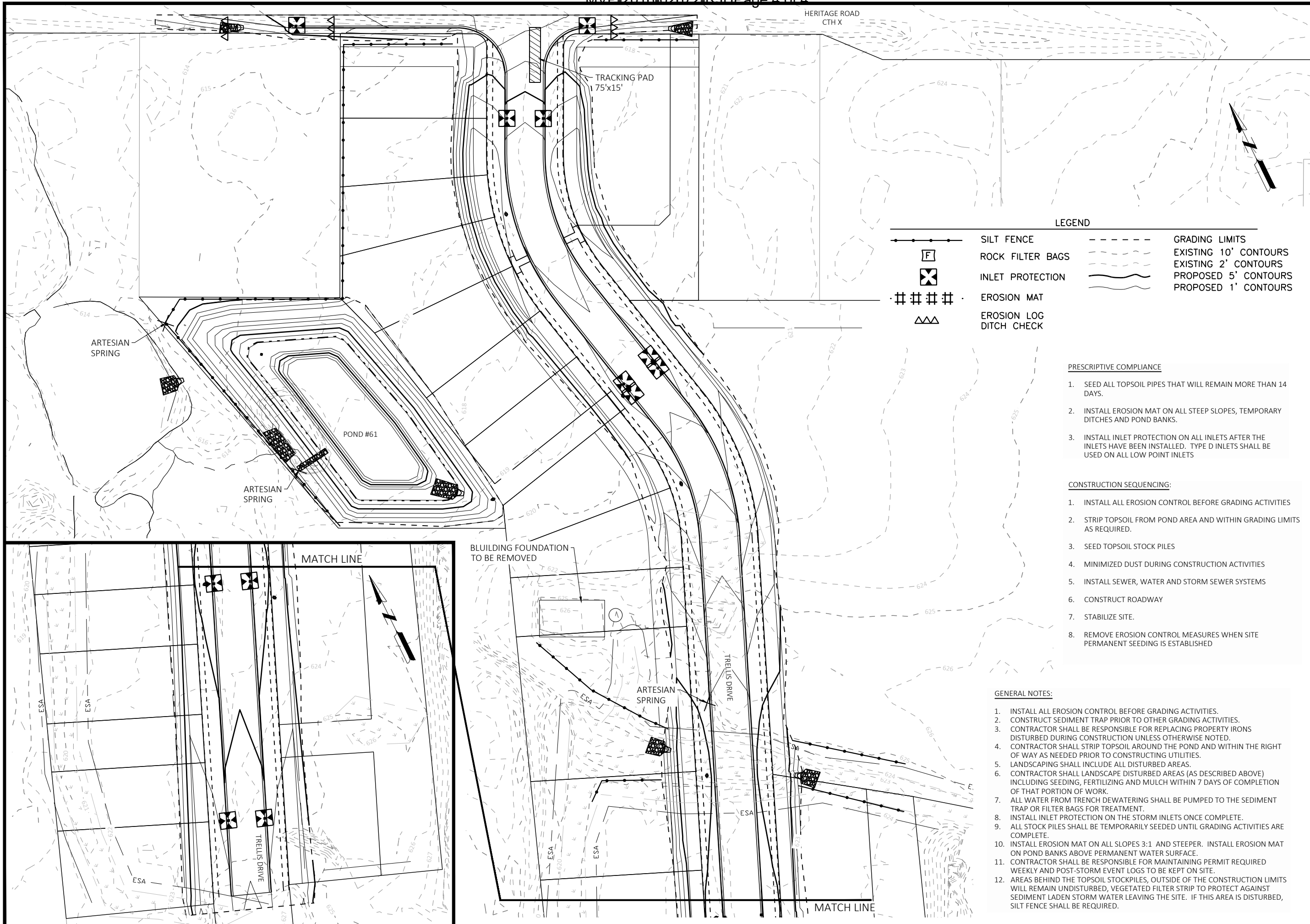
SHEET NO. 1 of 30

G-001

COORDINATES ON THIS PLAN ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM (WCCS), BROWN COUNTY VERTICAL DATUM NAVD88 (1991)

X:\1216300\242610.01\TECH\CAD\DRAWINGS\G-001 TS.DWG 5/20/2026 10:28:24 AM

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LEGEND

	SILT FENCE		GRADING LIMITS
	ROCK FILTER BAGS		EXISTING 10' CONTOURS
	INLET PROTECTION		EXISTING 2' CONTOURS
	EROSION MAT		PROPOSED 5' CONTOURS
	EROSION LOG DITCH CHECK		PROPOSED 1' CONTOURS

PRESCRIPTIVE COMPLIANCE

1. SEED ALL TOPSOIL PILES THAT WILL REMAIN MORE THAN 14 DAYS.
2. INSTALL EROSION MAT ON ALL STEEP SLOPES, TEMPORARY DITCHES AND POND BANKS.
3. INSTALL INLET PROTECTION ON ALL INLETS AFTER THE INLETS HAVE BEEN INSTALLED. TYPE D INLETS SHALL BE USED ON ALL LOW POINT INLETS

CONSTRUCTION SEQUENCING:

1. INSTALL ALL EROSION CONTROL BEFORE GRADING ACTIVITIES
2. STRIP TOPSOIL FROM POND AREA AND WITHIN GRADING LIMITS AS REQUIRED.
3. SEED TOPSOIL STOCK PILES
4. MINIMIZED DUST DURING CONSTRUCTION ACTIVITIES
5. INSTALL SEWER, WATER AND STORM SEWER SYSTEMS
6. CONSTRUCT ROADWAY
7. STABILIZE SITE.
8. REMOVE EROSION CONTROL MEASURES WHEN SITE PERMANENT SEEDING IS ESTABLISHED

GENERAL NOTES:

1. INSTALL ALL EROSION CONTROL BEFORE GRADING ACTIVITIES.
2. CONSTRUCT SEDIMENT TRAP PRIOR TO OTHER GRADING ACTIVITIES.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING PROPERTY IRONS DISTURBED DURING CONSTRUCTION UNLESS OTHERWISE NOTED.
4. CONTRACTOR SHALL STRIP TOPSOIL AROUND THE POND AND WITHIN THE RIGHT OF WAY AS NEEDED PRIOR TO CONSTRUCTING UTILITIES.
5. LANDSCAPING SHALL INCLUDE ALL DISTURBED AREAS.
6. CONTRACTOR SHALL LANDSCAPE DISTURBED AREAS (AS DESCRIBED ABOVE) INCLUDING SEEDING, FERTILIZING AND MULCH WITHIN 7 DAYS OF COMPLETION OF THAT PORTION OF WORK.
7. ALL WATER FROM TRENCH DEWATERING SHALL BE PUMPED TO THE SEDIMENT TRAP OR FILTER BAGS FOR TREATMENT.
8. INSTALL INLET PROTECTION ON THE STORM INLETS ONCE COMPLETE.
9. ALL STOCK PILES SHALL BE TEMPORARILY SEEDED UNTIL GRADING ACTIVITIES ARE COMPLETE.
10. INSTALL EROSION MAT ON ALL SLOPES 3:1 AND STEEPER. INSTALL EROSION MAT ON POND BANKS ABOVE PERMANENT WATER SURFACE.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING PERMIT REQUIRED WEEKLY AND POST-STORM EVENT LOGS TO BE KEPT ON SITE.
12. AREAS BEHIND THE TOPSOIL STOCKPILES, OUTSIDE OF THE CONSTRUCTION LIMITS WILL REMAIN UNDISTURBED, VEGETATED FILTER STRIP TO PROTECT AGAINST SEDIMENT LADEN STORM WATER LEAVING THE SITE. IF THIS AREA IS DISTURBED, SILT FENCE SHALL BE REQUIRED.

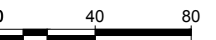
LEDGEVIEW SANITARY DISTRICT NO. 2

GRADING AND EROSION CONTROL PLAN

REVISION

ISSUED FOR BID
MAY 19, 2026

MSH NO: 1216300-242610.01
DATE: 05/2026
DESIGNED BY: PJW
DRAWN BY: RMS
CHECKED BY: SRB
DO NOT SCALE DRAWINGS



SHEET NO. 3 of 30

C-021