APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): JAN 05 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Triangle Tool expansion, MVP-2016-00662-ANM (Wetlands 3, 5)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

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

Center coordinates of site (lat/long in degree decimal format): Lat. 43.15783° N, Long. -88.01746° W

Universal Transverse Mercator: 16

Name of nearest waterbody: Little Menomonee River

Name of watershed or Hydrologic Unit Code (HUC): Milwaukee River (04040003)

☐ 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: July 14, 2016

☐ 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):¹

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

   Explain: Two wetlands delineated in the project area were constructed in uplands in 2011 and are not waters of the U.S. Wetland #3 (0.03 acre) is part of a settling basin that outlets into a constructed stormwater detention basin identified as Wetland #5 (0.20 acre). This determination was confirmed by reviewing aerial photographs dated 1928, 1937, 1951, 1963, 1967, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2007, 2008, 2010, and 2013, WWI, and NRCS Soil Survey. A copy of the Yaggy Colby Associates plan sheet for the settling and detention basin was provided by the applicant. The non-jurisdictional determination for the settling and detention basin is in accordance with the preamble to the 1986 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.; 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.

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

¹ Supporting documentation is presented in Section III.F.
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:
   ☑ Other (explain, if not covered above): The stormwater conveyance feature and detention basin are not waters of the
   U.S. pursuant to the preamble to the Corps 1986 regulations (33 CFR Parts 320-330).

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:
   ☐ 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 Quad WI-Menomonee Falls
   ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Milwaukee County
   ☐ National wetlands inventory map(s). Cite name:
   ☑ State/Local wetland inventory map(s): WWI
   ☐ FEMA/FIRM maps:
   ☑ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
   or ☐ Other (Name & Date):
   ☐ Previous determination(s). File no. and date of response letter:
   ☐ Applicable/supporting case law:
   ☐ Applicable/supporting scientific literature:
   ☑ Other information (please specify): Yaggy Colby Associates master grading plan sheet for Triangle Tool
   addition dated June 2011.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland 3 (part of the settling basin) and Wetland 5 (the
stormwater detention basin) were constructed in uplands and are not waters of the U.S. as detailed in
Section II.B.2.
This map is neither a legally recorded map for a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) data used to create this map are error free, and SEH does not represent that the GIS Data can be used for navigation, location, or any other purpose requiring accuracy measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.