SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 8/31/2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Valley Packaging Industries, Inc., MVP-2016-01799-RJH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: WI  County/parish/borough: Outagamie  City: Appleton
   Center coordinates of site (lat/long in degree decimal format): Lat. 44.262556° N, Long. -88.359483° E.
   Universal Transverse Mercator: Zone 16
   Name of nearest waterbody: Fox River
   Name of watershed or Hydrologic Unit Code (HUC): 04030204
   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 11, 2017
   - 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: The review area contains one wetland (Area 1). The wetland delineation report submitted by Bates Soil and Water Testing Services, LLC. depicts this wetland as an isolated depression. Area 1, 1.03 acres in size, was identified as a wetland formed in an upland area by surface water run-off from the gravel and asphalt driveways and snow melt piles. Area 1 is bordered by asphalt surfaces along the eastern and southern borders, and a gravel loading area and driveway along the north border. The western border is upland and Kensington Drive. Surface water that collects in Area 1 flows into a storm sewer system that collects water from the surrounding area. The flow from the wetlands into the storm sewer system only occurs during major precipitation events. The storm sewers are not tributaries as defined in the agency guidance and have not replaced a historical continuous surface connection to a tributary. The wetland is not technically hydrologically isolated but is also not adjacent to a water of the United States since the storm sewer connection in this determination is not sufficient to establish adjacency to a navigable water or a tributary to a navigable water. This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms. The closest tributary is approximately 2,662.25 feet to the northwest. Area 1 does not support a link to interstate or foreign commerce; is not known to be used by interstate or foreign travelers for recreation or other purposes; does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Area 1 is not regulated by the Corps under Section 404 of the Clean Water Act.

SECTION III: CWA ANALYSIS
A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

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1 Supporting documentation is presented in Section III.F.
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:

☐ Other (explain, if not covered above):

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: Area 1 is 1.03 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: Bates Soil and Water Testing Services, LLC wetland delineation, May 2016

☒ 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-Appleton

☐ 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)

☒ Photographs: ☒ Aerial (Name & Date): FSA slide review in delineation report

or ☒ Other (Name & Date): ground level photos in delineation report

☐ Previous determination(s). File no. and date of response letter:

☐ Applicable/supporting case law:

☐ Applicable/supporting scientific literature:

☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: